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ASEC, TH

SUBJECT: Thailand: Trafficking in Persons Report - 2010

REF A: STATE 02094 (REPORTING REQUEST)
REF B: BANGKOK 432 (NGO BELIEVES PREVENTION IS KEY)
REF C: BANGKOK 366 (CHILD SOLDIERS)
REF D: 09 BANGKOK 3046 (THAI BEEF UP IMPLEMENTATION ON TIP)
REF E: 09 BANGKOK 3016 (CONVICTION IN ANOMA LABOR TIP CASE)
REF F: 09 BANGKOK 2821 (RESPONSE TO CRITICS: REGISTRATION)
REF G: 09 BANGKOK 1428 (THAI IMMIGRATION - LABOR ARRESTS)
REF H: 09 BANGKOK 853 (RTG ENGAGES ON TIP IN FISHING)
REF I: 09 BANGKOK 818 (UPDATE ON CASES OF THAI LABOR ABUSE)
REF J: 09 BANGKOK 499 (TIP REPORT INPUT CABLE - 2009)
REF K: 09 BAGKOK 237 (CHILD LABOR INPUT CABLE - 2009)
REF L: Thailand Desk-Embassy email - February 4, 2010

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1. (SBU) Summary: Thailand remains a source, transit, and destination country for victims of human trafficking (TIP). In particular, its relative prosperity compared to its neighbors continues to make it a magnet for economic migrants, many of whom are poor and undereducated, and therefore desperate for otherwise undesirable work and vulnerable to exploitation. Faced with a continuing trafficking problem, the Royal Thai Government (RTG) made significant efforts to address it over the course of 2009 and made progress in multiple areas towards meeting the minimum standards under the TVPA. Along with other TIP-related criminal convictions, Thai prosecutors successfully convicted offenders in the infamous "Anoma" case, the first TIP conviction involving Thailand's fisheries-related industries, to include shrimp processing. Prosecutions are moving forward in other cases such as "Ranya Paew," scheduled for trial in May 2010. The Thai Prime Minister personally participated in the RTG's broad TIP activities, including by appearing in a television spot that aims to raise awareness on human trafficking and chairing multiple meetings of the RTG's highest-level anti-TIP committee. Other RTG prevention activities included additional awareness raising media spots for the general population, targeted trainings/workshops for high-risk groups, and policy and programmatic efforts to keep all children (including illegal migrants) in school. The Thai government enhanced its international partnerships, signing a TIP-related agreement with the

Government of Burma in April 2009 and developed plans of actions under other existing agreements, such as with Laos and Vietnam. The RTG also opened three additional TIP shelters specifically for men, who were recognized under Thai law as potential victims only as of June 2008. Additional activities continue, including through the RTG-organized working group on trafficking in the problematic fishing sector. As with much of the RTG's anti-TIP work, the working group is multidisciplinary in nature and includes leaders from civil society. End Summary.

12. (SBU) Answers to questions provided in ref. A, paragraph 25 follow and should be read in conjunction with Post reports on the Royal Thai Government's (RTG) anti-TIP efforts, Thailand's human trafficking situation, and related matters (refs B - K):

I) THE COUNTRY'S TIP SITUATION:

-- A. WHAT IS (ARE) THE SOURCE(S) OF AVAILABLE INFORMATION ON HUMAN TRAFFICKING? WHAT PLANS ARE IN PLACE (IF ANY) TO UNDERTAKE FURTHER DOCUMENTATION OF HUMAN TRAFFICKING? HOW RELIABLE ARE THESE SOURCES?

Information on trafficking in persons is widely available from various Thai government agencies (e.g., Ministry of Foreign Affairs, Ministry of Social Development and Human Security (MSDHS), the Anti-Human Trafficking Division (AHTD) of the Royal Thai Police, Ministry of Labor (MOL), Office of the Attorney General (OAG), Department of Special Investigation (DSI), etc) as well as from many NGOs (i.e., the Labor Protection Network (LPN), New Life Center (NLC), Mirror Foundation (MAF), Human Rights Development Foundation (HRDF)) United Nations (UN) agencies, and other international organizations active in Thailand. While most information collected from these organizations is reliable, information from the media is not always reliable and must be confirmed by other sources.

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-- B. IS THE COUNTRY A COUNTRY OF ORIGIN, TRANSIT, AND/OR DESTINATION FOR MEN, WOMEN, OR CHILDREN SUBJECTED TO CONDITIONS OF COMMERCIAL SEXUAL EXPLOITATION, FORCED OR BONDED LABOR, OR OTHER SLAVE-LIKE CONDITIONS? ARE CITIZENS OR RESIDENTS OF THE COUNTRY SUBJECTED TO SUCH TRAFFICKING CONDITIONS WITHIN THE COUNTRY? IF SO, DOES THIS INTERNAL TRAFFICKING OCCUR IN TERRITORY OUTSIDE OF THE GOVERNMENT'S CONTROL (E.G. IN A CIVIL WAR SITUATION)? FROM WHERE ARE PEOPLE RECRUITED OR FROM WHERE DO THEY MIGRATE PRIOR TO BEING SUBJECTED TO THESE EXPLOITATIVE CONDITIONS? TO WHAT OTHER COUNTRIES ARE PEOPLE TRAFFICKED AND FOR WHAT PURPOSES? PROVIDE, WHERE POSSIBLE, NUMBERS OR ESTIMATES FOR EACH GROUP OF TRAFFICKING VICTIMS. HAVE THERE BEEN ANY CHANGES IN THE TIP SITUATION SINCE THE LAST TIP REPORT (E.G. CHANGES IN DESTINATIONS)?

Thailand is a country of origin, transit and destination for persons subjected to the worst forms of trafficking as defined by the Trafficking Victims Protection Act (TVPA). Trafficking occurs both across international borders and internally between rural and urban areas. Migrants from neighboring countries (mostly from Burma, Cambodia, and Laos) are trafficked into Thailand. Thai citizens are trafficked into other countries in Northeast Asia, the Middle East, Africa, and Europe, and elsewhere including the United States. Trafficking activity occurs in the area around the Thailand-Malaysia border where political unrest hinders the RTG's ability to combat all crime.

As a source country, in 2009, Thais were found to be trafficked, mostly for the sex trade, agriculture work and construction work, to Bahrain, Malaysia, the Maldives, Singapore, Japan, China, Oman, South Africa, Timor Leste, the United States, Hong Kong, Brunei, Taiwan, Vietnam, Germany and Spain. Thai men (along with men from Burma and Cambodia) were found to be trafficked onto fishing boats in international waters and rescued from countries such as Malaysia, Indonesia, and Timor Leste. Most Thai trafficking victims were from Thailand's northern, northeast and southern regions. They, like most non-Thai trafficking victims within Thailand, were poor, and lacked education and employment opportunities in their home communities. As such, they were willing to take risks when promised better-paid jobs elsewhere, sometimes using family-owned-land as collateral against

high labor broker/recruitment fees with the hope of being able to pay off debt with income earned abroad. In September 2009, the Thai government received several complaints from Thai farm workers in the northeast who paid recruitment fees of 250,000 baht (7,575 USD) to engage in agricultural work in Sweden and Poland. After paying the broker fees, the workers were instead sent to work in slaughter houses or construction sites, had their passports withheld, and received less payment than originally promised.

The Foundation for Women reported in June 2009 that, according to a survey conducted from February 2007 to February 2009, Thai women trafficked for commercial sexual exploitation were mostly trafficked to Bahrain (40 percent), Italy (19 percent), Japan (12 percent), South Korea (9 percent), Germany, the United Kingdom, Australia, Singapore, and Malaysia.

As a transit country, people from North Korea, China, Vietnam, and Burma pass through Thailand to third countries such as Malaysia, Indonesia, Singapore, Russia, Western Europe, South Korea, and the United States.

As a destination country, people from neighboring countries (Cambodia, Burma, Laos, China, and Vietnam) are found to be trafficked into Thailand, mostly into urban areas such as Bangkok, Chiang Mai, Pattaya, Samut Prakarn, Samut Sakhon, and Songkla. The United Nations Office on Drugs and Crime (UNODC) reported in October 2009 that 32 percent of Lao nationals trafficked to Thailand were forced into prostitution while another 32 percent were used for forced labor.

The Mirror Foundation (MAF), an NGO working to combat human trafficking among street beggars and in the fishing industry, reported that the number of human trafficking cases reported in

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northeastern Thailand had risen with more than 80 cases reported from May 2008 to June 2009. However, MAF viewed that the increase in reports was likely due to growing awareness on TIP among RTG officials, civil society representatives, and the general public. It noted that increased reporting does not suggest a greater incidence of human trafficking.

There was general agreement among UN agencies, NGOs, and the RTG that only a small percentage of those engaged in prostitution in Thailand are either underage or are in involuntary servitude or debt bondage as defined by the TVPA, although problems remain.

Evidence suggested that the trafficking of men, women and children into labor sectors such as commercial fisheries, fishing-related industries, or domestic work was a significant portion of all trafficking in Thailand. Children were also found to be trafficked into Bangkok or other urban areas and forced to sell flowers, beg, or work in domestic service, according to the NGO World Vision. Thai women were found to be trafficked abroad for sexual exploitation especially in Japan, the United Kingdom, and Australia.

Past studies by UN agencies and NGOs found evidence of exploitation (including human trafficking) of Burmese migrants in the seafood processing sector, sometimes through debt bondage. The United Nations Inter-Agency Project on Human Trafficking (UNIAP) reported that migrant workers were found to be vulnerable due to language barriers and limited knowledge of Thai laws, as well as the withholding of travel documents, migrant registration cards, and/or work permits by employers.

According to past UNESCO and NGO studies, ethnic minorities resident in Thailand, such as an estimated 350,000 northern hill tribe people who have not received legal residency or citizenship, were at particular risk for trafficking. Although absolute numbers of ethnic minority trafficking victims were not high, they were found in numbers disproportionate to their share of the population in Thailand.

The Ministry of Social Development and Human Security (MSDHS) reported that government shelters received and provided assistance to 609 TIP victims in 2009, 530 foreigners and 79 Thai citizens

(Note: most Thai citizens who received assistance from MSDHS chose to stay in their own home instead of government shelters. End Note).

Table 1: Number of Thai TIP victims in government shelters (Jan - Dec 2009) (Unit: Number of Persons)

Countries Trafficked to:	Number of Persons Assisted
-----	-----
Bahrain	39
Japan	16
Malaysia	9
Other	15
Total	79
-	--

(Source: Bureau of Anti-Trafficking in Women and Children, Department of Social Development and Welfare, MSDHS)

The Ministry of Social Development and Human Security (MSDHS) reported that 530 foreign women, children, and men were classified as TIP victims in Thailand and received assistance and protection at MSDHS shelters in 2009. Out of 530 foreign TIP victims, almost three-fourths (398 victims) were victims of labor exploitation: 175 in factories, 170 in fisheries-related industries, and 53 as domestic employees. Less than one-fourth (108 victims) were victims of commercial sexual exploitation. The breakdown by country of origin and by types of exploitation follows:

Table 2: Number of Foreign TIP victims in government shelters (Jan-Dec 2009)

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(Unit: Number of Persons)

Nationality	Number of persons assisted
-----	-----
Cambodia	57
Burma	260
Laos	195
Other	18
Total	530

(Source: Bureau of Anti-Trafficking in Women and Children, Department of Social Development and Welfare, MSDHS)

Table 3: Number of Foreign TIP victims assisted by MSDHS (Jan - Dec 2009)

(Unit: Number of Persons)

Types of exploitation	Number of victims
-----	-----
Labor in factories	175
Labor in fisheries industry	170
Prostitution	108
Domestic Workers	53
Beggars	16
Others	8
Total	530

(Source: Bureau of Anti-Trafficking in Women and Children, Department of Social Development and Welfare, MSDHS)

The Anti-Human Trafficking Division (AHTD), Royal Thai Police, reported that AHTD alone (not including other police divisions) investigated 134 cases of human trafficking. More than half of the cases involved sexual exploitation and one-fourth of the cases involved forced labor. Statistics by type of crime follow:

Table 4: Number of TIP investigations by the Anti-Human Trafficking Division, Royal Thai Police (June 2008-November 2009)
(Unit: Number of cases)

Types of crime	Number of cases
-----	-----
Forced Prostitution	62
Other forms of sexual exploitation	15
Forced beggars	14
Enslavement	4
Forced labor	36
Blackmail	3
Total	134

(Source: Anti-Human Trafficking Division as of January 2010)

The Ministry of Foreign Affairs (MFA) Department of Consular Affairs reported 309 Thai nationals were classified as TIP victims abroad and repatriated to Thailand with MFA assistance in 2009 (January - December 2009). The breakdown by destination country follows:

Table 5: Number of Thai TIP victims abroad who were repatriated back to Thailand (Unit: Number of Persons)

Destination	FY 2006	FY2007	FY 2008	CY 2009
		(Oct08-Sep09)	(Jan-Dec09)	
-----	-----	-----	-----	-----
Bahrain	236	368	360	216
Singapore	9	14	3	9
Malaysia	39	12	73	36
South Africa	20	3	1	5
Saudi Arabia	0	3	0	0
Hong Kong	2	2	1	2
Japan	3	1	0	5
United Kingdom	5	0	0	0

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Taiwan	0	0	5	1
Maldives				15
China				5
Oman				5
Timor				3
USA				3
Brunei				1
Vietnam				1
Germany				1
Total	397	403	443	309

(Source: Department of Consular Affairs, Ministry of Foreign Affairs)

-- C. TO WHAT KIND OF CONDITIONS ARE THE TRAFFICKING VICTIMS SUBJECTED?

Thai and foreign victims found themselves in situations of forced or bonded labor, forced commercial sexual exploitation, domestic servitude, or other exploitive conditions.

The sectors in which trafficked persons were most commonly found in Thailand were (in no particular order) those involving sexual exploitation, begging, domestic work, factory work, agriculture, fishing, and fishing-related industries. The conditions that victims were trafficked into varied from mild to severe. In some cases, factory workers were forced to work long hours with few safety precautions, experienced health problems, were vulnerable to violence, and worked without pay or less pay than promised or required by law. In fishing-related industries, workers at times remained at sea for long periods (3 months to multiple years), did not receive pay, and were threatened or physically beaten. In the commercial sex industry, women were at times forced to work with multiple clients.

-- D. VULNERABILITY TO TIP: ARE CERTAIN GROUPS OF PERSONS MORE AT RISK OF HUMAN TRAFFICKING (E.G. WOMEN AND CHILDREN, BOYS VERSUS GIRLS, CERTAIN ETHNIC GROUPS, REFUGEES, IDPS, ETC.)? IF SO, PLEASE SPECIFY THE TYPE OF EXPLOITATION FOR WHICH THESE GROUPS ARE MOST AT RISK

Migrants, ethnic minorities, and stateless people were more at risk than Thai nationals. The majority of people trafficked to Thailand were illegal migrants smuggled into Thailand from Burma, Laos, and Cambodia who often had no valid visa or work permit, did not speak Thai, had little knowledge of Thai law, or did not understand how to access the Thai justice system, according to UNIAP. Newly arrived migrants were generally more at risk. UNESCO identified lack of citizenship as the greatest risk factor for highland girls and women in Thailand to being trafficked or otherwise exploited. Regarding Cambodian victims, many appeared to be males (especially those newly arrived) trafficked onto fishing boats. Women trafficked were found in sweatshops, the sex trade, and domestic service while children were found in the agricultural sector and in small-scale shops. Adult male victims were often found in the fishing (and related) industries.

In November 2009, MSDHS published a list of thirty provinces that are most at risk for human trafficking, including seven northern provinces (Chiang Rai, Chiang Mai, Lam Pang, Utaradit, Pitsanulok, Payao, Phrae), six northeastern provinces (Sa Kaew, Ubon Ratchatani, Mukdaharn, Udontani, Kon Kaen, Nakorn Ratchasima), four central provinces (Nakorn Sawan, Samut Sakhon, Samut Prakarn, Sukothai), four eastern provinces (Prachin Buri, Rayong, Trad, Chantaburi), and nine southern provinces (Ranong, Surathani, Phuket, Songkla, Yala, Chumporn, Pattani, Nakorn Sidhammarat, Phang Nga).

In July, 2009, the Thai government began implementing an amnesty program for illegal migrant workers in Thailand through which employed migrants from Laos, Cambodia, and Burma could apply for temporary work permits and must have their nationality verified by

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their government. Those who fail to regularize their status through participation in the program will be subject to deportation. Observers in civil society and some of Bangkok's resident UN agencies acknowledged the program as a positive step taken by the RTG to protect migrants by bringing them into the formal labor market, with related benefits such as access to health insurance. Nonetheless, the Thai government's implementation of the program has been met by criticism: poor communication to migrant communities, under-regulation of private companies involved, high fees, and unrealistic deadlines, among others. The RTG modified aspects of the program to benefit migrants in response to media and NGO criticism, but problems remain. Even critics agreed the Burmese government, by its refusal to allow nationality verification within Thailand, was to blame for the system that could lead to the exploitation of migrants. Nonetheless, there were no known cases of severe exploitation (including human trafficking) of participating migrants.

-- E. TRAFFICKERS AND THEIR METHODS: WHO ARE THE TRAFFICKERS/EXPLOITERS? ARE THEY INDEPENDENT BUSINESS PEOPLE? SMALL OR FAMILY-BASED CRIME GROUPS? LARGE INTERNATIONAL ORGANIZED CRIME SYNDICATES? WHAT METHODS ARE USED TO GAIN DIRECT ACCESS TO VICTIMS? FOR EXAMPLE, ARE THE TRAFFICKERS RECRUITING VICTIMS THROUGH LUCRATIVE JOB OFFERS? ARE VICTIMS SOLD BY THEIR FAMILIES, OR APPROACHED BY FRIENDS OF FRIENDS? ARE VICTIMS "SELF- PRESENTING" (APPROACHING THE EXPLOITER WITHOUT THE INVOLVEMENT OF A RECRUITER OR TRANSPORTER)? IF RECRUITMENT OR TRANSPORTATION IS INVOLVED, WHAT METHODS ARE USED TO RECRUIT OR TRANSPORT VICTIMS (E.G., ARE FALSE DOCUMENTS BEING USED)? ARE EMPLOYMENT, TRAVEL, AND TOURISM AGENCIES OR MARRIAGE BROKERS INVOLVED WITH OR FRONTING FOR TRAFFICKERS OR CRIME GROUPS TO TRAFFIC INDIVIDUALS?

Traffickers ranged from opportunistic individuals to small groups that specialized in certain geographic areas, to more organized networks. According to UNIAP, traffickers bringing victims into Thailand generally did not need a high level of organization, whereas those bringing victims from Thailand to foreign destinations required more organized networks and financing. As a destination country, Thailand's somewhat porous borders made undocumented entry from Burma, Laos, and Cambodia relatively easy. Human smuggling and the use of false documents were regularly reported in Thailand.

A study conducted by UNIAP in collaboration with an NGO on brokers and agents in Samut Sakhon indicated that labor brokers were either

a family member, a friend, or a stranger. They acted as a legitimate work-oriented service facilitator, or as an exploiter and/or a trafficker. The study found that brokers were of both Thai and Burmese origin and worked in small groups or networks, collaborating with employers and at times with individual law enforcement officials. Exploitation was found in cases of brokers charging excessive transportation fees, charging high release fees for workers who wanted to change their place of work, selling trafficked victims to another broker/employer, or charging excessive fees for workers for migrant registration and nationality verification services. Brokers and employers could further increase their control over workers by withholding their identity documents so that workers could not change employers (thereby limiting their freedom of movement) until workers are able to paid off all debts. Some migrants pay fees before their journey to Thailand and some work to pay off their recruitment and transportation fees after arriving in Thailand and beginning to earn income.

According to MAF, which has conducted research of the deep-sea fishing industry, male trafficking victims were fraudulently recruited by strangers at transport stations (i.e., train stations and bus stations) and parks upon arrival in Thailand. Promised well-paying jobs, the victims were trafficked through labor brokers into forced labor situations on fishing boats. Some recruiters lured the victims to entertainment establishments (such as karaoke bars) where they incurred debt, and then either volunteered or were forced to work on fishing boats to pay it off. Most traffickers were individual persons or small groups that specialized in one geographic area or economic sector, and provided a single service

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such as transportation, forged documents, recruitment, or accommodation for victims. Traffickers sometimes worked together, however there appeared to be no formal relationship or rigid hierarchical pattern within these informal networks. Traffickers were also reportedly involved in other illegal activities, such as drugs or weapons trafficking.

Post is not aware of substantiated reports of the selling of victims by family members in Thailand. However, MAF reported that there were many cases of Cambodian parents sending their children to beg on the street of Thailand, leaving them vulnerable to exploitation.

As a source country, AHTD reported that most Thai trafficking victims were lured by traffickers who were friends, relatives or employment agents and who promised legitimate work. Most Thai victims trafficked abroad used air transport.

II) SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS:

-- A. DOES THE GOVERNMENT ACKNOWLEDGE THAT HUMAN TRAFFICKING IS A PROBLEM IN THE COUNTRY? IF NOT, WHY NOT?

The Thai government acknowledges human trafficking as a serious problem in Thailand and has made substantial efforts to address it. The Thai government continues efforts to fully implement its comprehensive 2008 anti-trafficking law. Thai Prime Minister Abhisit monitored Thailand's human trafficking situation as the chair of the RTG's Anti-Trafficking in Persons (ATP) committee. In January 2010, Prime Minister Abhisit was filmed for a short television spot that aims to raise awareness on human trafficking and encourage Thais to help combat it by informing authorities when they see the potential incidents. The spot is expected to air in the first quarter of 2010.

Under the supervision of the RTG's Coordinating and Monitoring of Anti-Trafficking in Persons Performance (CMP) committee, MSDHS continued developing a 2011-2016 national-level policy and plan to combat human trafficking. In January 2010, the RTG submitted the draft plan for comment through four public hearings (with participation by NGOs, academia, and international agencies) in four locations: Khon Kaen, Chiang Mai, Hat Yai, and Bangkok. After recommendations are integrated into the national policy and plan, it will be submitted to the cabinet for approval, hopefully during the third quarter of 2010, according to MSDHS.

Government agencies, including MSDHS, MOL, OAG, and DSI, made public announcements that combating human trafficking is a priority area. The Children and Women Protection Division (CWD) of the Royal Thai Police (RTP), established in July 2005 as a specialized division for investigating crimes involving children, juveniles, and women, changed its name to the "Anti-Human Trafficking Division" (AHTD) in September 2009 to reflect its shift in priority toward all human trafficking crimes, including those against men.

Other RTG activities to combat human trafficking in 2009 included:

- Using FY 2010 budgetary funds, the Thai government implemented a TIP awareness raising campaign, providing training workshops to youth groups throughout Thailand. It also created a short informational television spot to raise awareness on the problem of human trafficking specifically in the fishing industry (the spot aired on Thai television's channel five).
- MSDHS organized anti-TIP training sessions specifically for "competent officials," as defined by the 2008 TIP law and relevant subordinate regulations. Ministry officials noted training sessions have taken and will take place from December 2009 to March 2010 and expect at least 1,000 participants.
- On June 5, MSDHS organized activities to mark the one-year anniversary of Thailand's comprehensive TIP law. Local media, including the widely-read newspapers Thai Rath and Siam Rath, covered the main awareness raising event in Bangkok, attended by

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approximately 150 officials from governmental and non-governmental organizations. Select MSDHS provincial-level offices also hosted awareness raising events in cooperation with NGOs such as World Vision.

- On June 12, the RTG partnered with the International Labor Organization (ILO) to commemorate World Day against Child Labor (WDACL). The related event organized in Bangkok was covered by various television, print, and radio news outlets. In addition to the Bangkok event, the RTG and ILO organized events in Tak and Pattani on June 12 and 18, respectively. At the event in Tak, attended by approximately 1,500 individuals, Thailand's Vice Minister of Education Chaiwut Bannawat gave a speech regarding the RTG's "education-for-all" policy, i.e., for all children including those of non-Thai migrants and ethnic minority groups resident in Thailand.
- The RTG set up a working group on human trafficking in the fishing industry which met at least nine times, and as recently as January 2010. (Note: The working group is under the auspices of the Coordinating and Monitoring of Anti-Trafficking in Persons Committee (CMP), chaired by a Deputy Prime Minister, and consists of government and non-government officials (from both for-profit companies and non-profit organizations including MAF and LPN). The CMP reports to Thailand's Anti-Trafficking in Persons Committee (ATP), chaired by the Prime Minister. End Note.). The working group developed recommendations on how to combat human trafficking in the fishing sector. The recommendations (on areas such as improved regulations of boats, possible changes to law and regulation, and awareness raising activities) require the review of the two committees.
- Regarding the implementation of article 37 of Thailand's anti-human trafficking law that authorizes, in certain circumstances, the provision allowing TIP victims to temporarily work in Thailand (presumably outside shelters): MSDHS requested that the Thai Council of State determine whether article 37 of the TIP law supersedes provisions of other relevant laws (i.e., the Immigration Act and Alien Employment Act), thereby allowing for victims to receive work permits immediately. The Council of State responded in December 2009 that article 37 conflicts with other Thai laws, thereby requiring legal changes before the article 37 provisions can be fully implemented. MSDHS officials continue developing work opportunities for TIP victims within Thai shelters (such as handicraft making) so that victims can receive income while they are housed in shelters. MSDHS officials continued seeking to

develop procedures to allow certain victims to work outside shelters, noting that such decisions would likely be made on a case by case basis and take into consideration possible threats to the safety and security of the victim. In some instances, male TIP victims were allowed to work outside of shelters at construction sites during the day and return to the shelters at night (Note: it is unclear whether these individuals held Thai work permits. End Note.). There were other reported occasions in which local officials allowed victims to work outside shelters on a case by case basis.

- The RTG established a working group regarding fraudulent marriages between Thai women and foreign nationals, due to its assessment that the area represents an increased risk factor for human trafficking. The working group developed guidelines for government officials who counsel women who contact them (for instance, when applying for a passport) when making arrangements to marry foreigners through marriage services providers.

-- B. WHICH GOVERNMENT AGENCIES ARE INVOLVED IN EFFORTS TO COMBAT SEX AND LABOR TRAFFICKING - INCLUDING FORCED LABOR - AND, WHICH AGENCY, IF ANY, HAS THE LEAD IN THESE EFFORTS?

Thailand's 2008 TIP law stipulated the establishment of an Anti-Trafficking in Persons Committee (ATP) chaired by the Prime Minister and a Coordinating and Monitoring of Anti-Trafficking in Persons Committee (CMP) chaired by a Deputy Prime Minister. In 2009,

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the ATP and CMP conducted three and six meetings respectively. The ATP's priority in 2009 was the development of the 2011-2016 national policy and plan to combat human trafficking; a policy and plan to combat human trafficking in the fishing industry; and the development of a human trafficking database. Activities supervised by the CMP in 2009 included formal international cooperative efforts on TIP (e.g., through the UN's Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) process and the development of memoranda of understanding, such as with Burma); the development of guidelines for law enforcement officers to improve coordination on prosecutions; the development of a training curriculum for "competent officials" under the TIP law; the development of guidelines to help prevent fraudulent marriages between Thai women and foreign nationals; and the creation of a working group focused on the U.S. Department of State's TIP report.

The government agency responsible for coordinating the RTG's broad anti-TIP work is the Ministry of Social Development and Human Security (MSDHS). Specifically, MSDHS' National Operation Center on Prevention and Suppression of Human Trafficking (NOCHT) is a focal point to coordinate prevention and suppression of TIP with relevant RTG agencies. This office, led by the Deputy Permanent Secretary of MSDHS, is also assigned to be the secretariat of the two national-level TIP committees (ATP and CMP). At the provincial level, 75 Provincial Operation Centers on Prevention and Suppression of Human Trafficking (POCHT) have been formed, reporting to a central coordinating committee. MSDHS' Bureau of Anti-Trafficking in Woman and Children (BATWC) is responsible for providing general assistance, shelter, and protection to victims of human trafficking. Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups under the MSDHS is also responsible for training for the multidisciplinary teams and "competent officials" under the Anti-TIP Act as well as awareness raising campaigns nationwide to prevent human trafficking.

Other RTG entities include the Ministry of Labor (MOL), the Ministry of Tourism and Sports, the Ministry of Interior, the Ministry of Foreign Affairs (MFA), the Ministry of Justice, the Ministry of Education, the Bureau of University Affairs, the Ministry of Public Health, the Ministry of Industry, the Ministry of Agriculture and Agricultural Cooperatives, the Office of the Attorney General, the Royal Thai Police (RTP), the Department of Special Investigation (DSI), the Office of the National Human Rights Commission, and the Office of the Prime Minister. Different agencies take the lead on different aspects of anti-TIP work, depending on the nature of the activities involved. MSDHS takes the lead on victim protection and prevention efforts. The MOL takes the lead on labor trafficking

prevention and the protection of worker's rights (through inspections). According to a UN official, the Ministry of Education conducted child-specific prevention activities by raising awareness among children.

With regards to investigation and prosecution, the Anti-Human Trafficking Division: AHTD (formerly known as Children and Women Protection Division) of the Royal Thai Police (RTP) is the specialized police division for investigating human trafficking crimes. The revitalized AHTD is structured as six units consisting of approximately four hundred police officials. Likewise, the Immigration Police Office designated officers in each province to work with the MOL's Department of Employment to identify potential victims and to provide them assistance with the support from MSDHS. The Transnational Crime Coordination Center (TCCC) was set up in the Royal Thai Police to be a specialized unit responsible for collecting and analyzing information, strategic planning, and coordinating work on eleven types of transnational crimes (including human trafficking).

The Department of Special Investigations (DSI) under the Ministry of Justice designated four full-time officers to work specifically on human trafficking. While DSI cannot investigate specific cases without approval from the DSI board, the agency worked to develop a database on trafficker networks with the goal of understanding human trafficking. In 2009, DSI was reportedly involved in investigating

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at least eight human trafficking-related cases.

UN and NGO staff working closely with the RTG commented that RTG anti-TIP trainings since 2008 started to show significant impact in 2009 in terms of better coordination and understanding on human trafficking among RTG officials. Other NGOs noted that much work remains as this increased understanding is not found in most frontline implementers, especially local police due to frequent personnel rotations.

-- C. WHAT ARE THE LIMITATIONS ON THE GOVERNMENT'S ABILITY TO ADDRESS THESE PROBLEMS IN PRACTICE? FOR EXAMPLE, IS FUNDING FOR POLICE OR OTHER INSTITUTIONS INADEQUATE? IS OVERALL CORRUPTION A PROBLEM? DOES THE GOVERNMENT LACK THE RESOURCES TO AID VICTIMS?

Thailand is a migration hub in Southeast Asia with a relatively prosperous economy that attracts migrants from neighboring countries who flee conditions of poverty and, in the case of Burma, political and military repression as well. TIP-related transnational organized crime has been facilitated by modern communications technology and transportation links, allowing traffickers to take advantage of income inequalities within Thailand and between countries.

In Thailand, there were additional factors contributing to human trafficking, including a lack of educational opportunities and occupational training for migrants, demand for sexual services in the tourism and entertainment sectors, and a strong supply of migrant laborers. In some sectors, especially domestic services and fishing or fisheries related industries, employers relied on migrant workers (registered or otherwise) to fill jobs in which Thai citizens have shown little interest.

Language barriers hampered the RTG's ability to work with non-Thai TIP victims, whether to provide protection or facilitate prosecution. In an effort to remedy the situation, the RTG (with support from NGOs (such as World Vision) and international organizations (such as the International Organization for Migration (IOM) and UNIAP) developed a list of qualified interpreters to help communicate with victims in government shelters and the RTG's anti-TIP hotline.

Police operations were limited by poorly-centralized data collection capabilities, limited funds, and a lack of continuity of investigations due to frequent personnel rotations and turnover. Similarly, prosecutors' offices were understaffed and lack sufficient resources to effectively see cases through to conclusion. The justice system remained slow in its handling of all criminal

cases, including TIP crimes. Resources for labor inspection, both financial and human, within the Ministry of Labor were also limited.

Observers reported that cooperation between police and prosecutors to effectively bring TIP (and other) cases to successful prosecution is an area requiring continued improvement.

According to one (well-informed) NGO, the fact that most traffickers are individuals or small groups only loosely working together and who are often illegal migrants themselves makes law enforcement efforts difficult. The NGO opined that local-level police have difficulty tracing, or are not eager to trace, entire trafficking networks since they often involve activity outside their jurisdiction.

-- D. TO WHAT EXTENT DOES THE GOVERNMENT SYSTEMATICALLY MONITOR ITS ANTI-TRAFFICKING EFFORTS (ON ALL FRONTS -- PROSECUTION, VICTIM PROTECTION, AND PREVENTION) AND PERIODICALLY MAKE AVAILABLE, PUBLICLY OR PRIVATELY AND DIRECTLY OR THROUGH REGIONAL/INTERNATIONAL ORGANIZATIONS, ITS ASSESSMENTS OF THESE ANTI-TRAFFICKING EFFORTS?

According to section 16(5) of the 2008 Anti-Trafficking in Persons Act, the ATP must direct and supervise the arrangement of study or research projects and the development of an integrated database system to benefit the prevention and suppression of trafficking in persons. Section 40 of the Act stipulates that MSDHS shall prepare

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an annual report regarding Thailand's TIP situation, including guidelines for future activities.

In 2009, the RTG, led by the Anti-Trafficking in Persons Committee (ATP) chaired by the Prime Minister, agreed upon a plan to develop a comprehensive trafficking database including data from three key areas: victim assistance, protection, and prosecution. A working group tasked with developing the database and including representatives from relevant agencies reported difficulties in linking data from different government agencies (i.e., the existing police database system does not include that of other agencies such as MSDHS, the shelters of which maintain victim information in paper form).

In 2009, the RTG hired an independent research team from Sukothai Tammattirach University to conduct an evaluation of the RTG's 2005-2010 national policy and plan to combat human trafficking. In addition, the RTG makes information on its anti-TIP activities available through the COMMIT process through which senior officials from six Greater Mekong Subregion (GMS) countries meet to share achievements and lessons-learned from anti-trafficking projects implemented within their countries.

With regards to law enforcement, the Transnational Crime Coordination Center (TCCC), was set up within the Royal Thai Police as a specialized unit responsible for collecting and analyzing information, strategic planning, and coordinating work on eleven types of transnational crimes (including human trafficking). However, TCCC remains reliant on other agencies in the Royal Thai Police to collect information and populate its databases, thereby creating an operational challenge. Nonetheless, observers noted eagerness on the part of various police elements to collaborate in this area.

-- E. WHAT MEASURES HAS THE GOVERNMENT TAKEN TO ESTABLISH THE IDENTITY OF LOCAL POPULATIONS, INCLUDING BIRTH REGISTRATION, CITIZENSHIP, AND NATIONALITY?

For Thai citizens, the Civil Registration Act 1991 requires that parents register birth notifications (Tor Ror 1/1) with district-level administrative offices within 15-30 days of the date of birth of a child. The district administration then issues a birth certificate (Tor Ror 3) that includes a thirteen-digit personal identification number.

For non-Thai citizens (both legally and illegally in Thailand), parents can register birth notifications (Tor Ror 1/1) to certify that the child is born in Thailand. Only the child of legal migrants from three neighboring countries (Lao, Cambodia, Burma) who were

temporarily allowed to work in Thailand can receive a birth certificate of non-Thai nationality, along with a thirteen-digit personal identification number. The child's name is then added to the list of residents in a home as part of a required home registration.

A significant but indeterminate number of stateless persons resided in Thailand. In accordance with Thai law, children born in Thailand before 1992 to illegal immigrant parents who entered Thailand after October 1985, are eligible to apply for Thai citizenship. The law also empowers local officials to make determinations of these citizenship claims instead of the Ministry of Interior as in the past. This change significantly reduces processing time and the complexity of the application process.

Specifically, the 2008 Nationality Act allows children who are born in Thailand to stateless parents to apply for citizenship with proof of birth place. However, because of poverty and restricted mobility of highlanders, documentation and evidence of birth was usually difficult to provide. In addition, those stateless persons who were born in the country and who may be able to prove citizenship eligibility often waived that privilege to classify themselves as "migrants" and gain access to certain jobs unavailable to stateless persons. In doing so, however, these individuals lost any basis for

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citizenship eligibility that they previously held. The 2008 law allows these individuals to reclaim their eligibility, i.e. to develop their legal personal status, provided they relinquish migrant worker status, i.e. give up their work permits.

With regard to refugees, parents inform camp committees of the birth of a child after which district officers (or camp commanders if authority is delegated to them) issue a birth notification (Tor Ror 1/1), certifying the birth of a child. While there is a law that allows the Thai government to issue the birth certificate (Tor Ror 3), in practice, the Ministry of Interior is not yet able to issue the birth certificate for refugee children due to technical problems.

-- F. TO WHAT EXTENT IS THE GOVERNMENT CAPABLE OF GATHERING THE DATA REQUIRED FOR AN IN-DEPTH ASSESSMENT OF LAW ENFORCEMENT EFFORTS? WHERE ARE THE GAPS? ARE THERE ANY WAYS TO WORK AROUND THESE GAPS?

While making efforts to do so, the RTG's data on law enforcement efforts is not fully integrated. Government shelters, the police, and the Office of the Attorney General, as well as the Thai Courts (a separate branch of government) use different applications to collect data. An RTG team is working to develop an integrated database combining the victim assistance database, prosecution database, and the protection database (see answer to question II(D)).

III) INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

FOR QUESTIONS A-D, POSTS SHOULD HIGHLIGHT IN PARTICULAR WHETHER OR NOT THE COUNTRY HAS ENACTED ANY NEW LEGISLATION SINCE THE LAST TIP REPORT.

-- A. EXISTING LAWS AGAINST TIP...PLEASE PROVIDE A FULL INVENTORY OF TRAFFICKING LAWS, INCLUDING NON-CRIMINAL STATUTES THAT ALLOW FOR CIVIL PENALTIES AGAINST ALLEGED TRAFFICKING CRIMES...

In 2009, the RTG approved various subordinate regulations to Thailand's 2008 anti human trafficking law (Anti-TIP Act), all of which improved the legal/regulatory framework to combat exploitative labor, including of children. The regulations provide clear guidelines and instructions for relevant officials in implementing the 2008 human trafficking act. The regulations under the Anti-TIP Act:

- establish rules regarding the protection and usage of documents or information related to TIP offenses (November 2008),
- establish norms on the registration of non-governmental organizations (NGOs) and the assistance they provide during anti-TIP Operations (March 2009),

- establish, and manage the operation of an Anti-Trafficking in Persons Fund to finance anti-TIP programs (an older TIP fund could be used for victim assistance but not other activities such as awareness raising)(May 2009),
- govern the provision of temporary protection for trafficking victims (October 2009),
- establish rules governing TIP victim assistance, repatriation, and compensation (October 2009), and
- define "competent official" to determine which official has authority to perform certain duties under the law (April 2009).

The Thai government's 2009-2014 National Plan of Action on eliminating the worst forms of child labor (NPP) was approved by its national committee on September 29, 2008 and by the Thai cabinet on January 28, 2009. The National Plan of Action identifies "bad" forms of child labor, which include: all forms of slavery, debt bondage, forced or compulsory labor including forced or compulsory recruitment of children for use in armed conflict, commercial sex work, including participation in pornographic movies and still photographs; and labor involving the sale or transport of illegal drugs (in line with ILO Convention 182). The NPP addresses five strategic goals, including 1) the prevention of the worst forms of child labor (WFCL) 2) the protection and withdrawal of children from

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the WFCL 3) effective law enforcement and improvement of relevant legislation 4) knowledge development and capacity building 5) the development of an administrative system.

Thailand's full complement of laws regarding TIP follows:

Prevention and Suppression of Trafficking Act (2008)

 -- This comprehensive anti-trafficking law replaced the 1997 Prevention and Suppression of Woman and Children Trafficking Law. The new law allows for men to be classified as TIP victims (and entitled to relevant legal protections) as well as women and children, and covers both internal and external (transnational) forms of TIP.

-- The forms of trafficking covered by the law extend to slavery, forced begging, forced labor and trade in organs, in addition to those categories previously covered by the 1997 law such as sexual exploitation, pornography production and distribution, and other forms of sexual exploitation.

-- Other elements of the law include the imposition of heavier penalties for all offenders involved in human trafficking; the ability of victims to claim compensation from the offender for any damages caused by human trafficking; measures to protect victims and witnesses during court trials against traffickers; the provision of shelter and other necessities for TIP victims, including physical, psycho-social, legal, educational, and health care assistance; and protection for victims and their immediate families within and outside the country to ensure their security and well being.

Criminal Code (1956)

 -- Defines punishment for a person who procures, lures, detains, traffics, distributes, or transports a man or woman for an indecent sexual purpose, with or without his or her consent. It also defines punishment for a pimp, a trafficker for labor exploitation, and human smuggler.

Immigration Act (1979)

 --Provides that foreigners who do not enter Thailand through an immigration checkpoint with a valid passport and visa (in cases in which a visa is required) or other legal documents are considered illegal immigrants. Personnel at immigration checkpoints can prohibit any person from entering Thailand if it is suspected that he/she is involved in prostitution, the trading of women, children, drug smuggling, or other types of smuggling.

Prevention and Suppression of Prostitution Act (1996)

-- Prohibits all forms of prostitution and provides specific penalties for cases involving children under the age of 18. Fines and terms of imprisonment under the Act are based on the age of the child involved, with more severe terms established for prostitution involving younger children. Penalties are imposed for those involved in child prostitution including customers, procurers, brothel owners, and those who force children into prostitution, including parents.

Criminal Code Amendment (no.14) (1997)

-- Imposes strong penalties on persons who sexually exploit women and children (both boys and girls) under 18 years-old. It also penalizes violators who sell children to be beggars or to establishments which employ labor in a "cruel or hazardous fashion." It defines punishments for pimping, trafficking for labor exploitation, and human smuggling. The law, however, does not cover adult males.

Labor Protection Act (1998)

-- Protects child employees (under 18 years old) against the worst

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forms of child labor by imposing penalties on those hire children under 15 years old and those who employed children between 15-18 years old in hazardous work or without appropriate rest periods. In addition, the law also imposes penalties on employers of child labor who fail to notify labor inspectors regarding their employment of young workers.

Money Laundering Control Act (1999)

-- Provides for the seizure of assets of persons who exploit children in the (illegal) commercial sex and narcotics industries. The Act also defines "predicate offense" to include any activities relating to (i) procuring, seducing or transporting for an indecent act a woman or child for sexual gratification of others; (ii) transporting a child and a minor; (iii) seducing or transporting such persons for prostitution, an offense while acting as an owner, supervisor or manager of a prostitution business or establishment or being a controller of prostitutes in a prostitution establishment.

Criminal Procedure Amendment Act (No. 20) (1999)

-- Revises the Criminal Procedure Code to protect children from traumatic stress resulting from interviews, inquiries and the court trial process. In its revised form, the law requires that there be a social worker, a psychologist, an attorney, or a person requested by the child during investigation and trial. Further, videotape recording shall be used to take the statement of the child victim or witness in order to prevent the child from repeated traumatic interviews. It also allows a child to give testimony before the offender or his peers have a chance to contact the child or the child's family for the purpose of bribery or intimidation.

The Compulsory Education Act (2002)

-- States that education is compulsory for nine years (from grade one until grade nine or from seven years old to sixteen years old). Parents who neglect to send their children to school shall be subjected to a fine of 1,000 baht (USD 29).

Child Protection Act (2003)

-- Provides for the prohibition and elimination of exploitation of children in slave-like or bonded conditions, illicit activities, hazardous and arduous work, prostitution, pornography, or other similar activities. The Act defines the "child" as a person below 18 years of age, and makes him/her eligible to receive child protection and welfare assistance. This definition also applies to children with no legal status in Thai territory. The Act mandates the establishment of a National Child Protection Committee, along with the Bangkok Metropolitan and other Provincial Protection Committees, to recommend policies, plans, budgets, measures, to issue regulations and appoint sub-committees or working groups, and

to promote the social welfare, safety, and protection of children.

The Witness Protection Act (2003)

-- Provides support to child and adolescent victims who are to be a witness or an informant in a trafficking or organized crime case.

Criminal Code Amendment (no. 19) (2007)

-- Extends the coverage of sexual exploitation to both boys and girls.

The Protection of Victims of Violence in the Family Act (2007)

-- States that any member of a family, especially children and women, are protected against all forms of abuse and exploitation.

The Promotion of Child and Youth Development Act (2007)

--Promotes programs and activities for children and youth to empower and prevent them from becoming victims of all forms of

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exploitation.

The Constitution of the Kingdom of Thailand (2007)

-- Section 52 provides that children (as well as youth, women, and members of families) shall have the right to be protected by the State against violence and unfair treatment and shall also have the right to receive rehabilitation in the event of such circumstances.

-- Section 84(7) of the Constitution states that the government should pursue economic policies that protect child and female laborers.

The Amendment of the Alien Employment Act (2008)

-- Systematizes workforce participation of migrant workers by prohibiting an employer from hiring migrant workers who do not have licenses to work with the employer. An employer who violates this law shall be subject to a fine of 10,000-100,000 baht (285-2,857 USD) per migrant worker. The Act also states that migrants along border areas who have travel documents under the Immigration Act shall be allowed to temporarily work in the area around the border. In addition, to ensure the safe repatriation of migrant workers, the Act requires that an employer must make deductions from a migrant worker's salary to contribute to a repatriation fund. The Act also calls for an Alien Employment Committee to be set up in order to develop policies regarding alien employment and monitor the implementation progress of these policies.

-- B. PUNISHMENT OF SEX TRAFFICKING OFFENSES: WHAT ARE THE PRESCRIBED AND IMPOSED PENALTIES FOR THE TRAFFICKING OF PERSONS FOR COMMERCIAL SEXUAL EXPLOITATION, INCLUDING FOR THE FORCED PROSTITUTION OF ADULTS AND THE PROSTITUTION OF CHILDREN?

The Anti-TIP Act prescribes punishment for labor recruiters, labor agents and employers if they commit TIP offenses in accordance with three general elements of TIP, namely: actions, means, and purposes as provided in Section 6 of the Act.

For a trafficker who is an individual person:

- If a trafficking offense is committed against an adult, penalties are 4-10 years imprisonment and a fine of 80,000 to 200,000 baht (2,285-5,714 USD).
- If a trafficking offense is committed against a child between 15 to 18 years old, penalties are 6-12 years imprisonment and a fine of 120,000 to 240,000 baht (3,429-6,857 USD).
- If a trafficking offense is committed against a child below 15 years old, penalties are 8-15 years imprisonment and a fine of 160,000 to 300,000 baht (4,571 - 8,571 USD).

For a trafficker who/which is incorporated as a business

- a trafficker who/which is incorporated as a business shall be liable to a fine of 200,000 to 1,000,000 baht (5,714-28,571 USD)

(NOTE: this provision is intended to be in addition to the penalty on individuals above, not instead of it. End Note.)
- if an incorporated person/entity commits an offense due to an order or act of a person (e.g., the entity's Director), or through this person's negligence, the Director shall be subjected to penalties between 6-12 years and fine of 120,000-240,000 baht (3,429-6,857 USD).

Criminal Code Amendment no.14 (1997) makes a distinction between "voluntary" victims and "involuntary" victims (a "voluntary" victim is defined as someone who entered his/her situation voluntarily, despite the illegal exploitation he/she may have endured).

If the victims are voluntary, the Criminal Code prescribes penalties for human trafficking for sexual exploitation as follows:

- if victims are over 18 years old, 1-10 years imprisonment and fines of 2,000-20,000 Baht (57-571 USD);
- if victims are between 15 and 18 years old, 3-15 years imprisonment and fines of 6,000-30,000 Baht (171-857 USD);
- if victims are under 15 years old, 5-20 years imprisonment and

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fines of 10,000-40,000 Baht (286-1,143 USD).

If the victims are involuntary, the Criminal Code prescribes penalties for trafficking people for sexual exploitation as follows:

- if victims are over 18 years old, 5-20 years imprisonment and fines of 10,000-40,000 Baht (286-1,143 USD);
- if victims are between 15 and 18 years old, 7-20 years imprisonment and fines of 14,000-40,000 Baht (400-1,143 USD), or life imprisonment
- if victims are under 15 years old, 10-20 years imprisonment and fines of 20,000-40,000 Baht (571-1,143 USD), or life imprisonment.

-- C. PUNISHMENT OF LABOR TRAFFICKING OFFENSES: WHAT ARE THE PRESCRIBED AND IMPOSED PENALTIES FOR LABOR TRAFFICKING OFFENSES, INCLUDING ALL FORMS OF FORCED LABOR? IF YOUR COUNTRY IS A SOURCE COUNTRY FOR LABOR MIGRANTS, DO THE GOVERNMENT'S LAWS PROVIDE FOR CRIMINAL PUNISHMENT -- I.E. JAIL TIME -- FOR LABOR RECRUITERS WHO ENGAGE IN RECRUITMENT OF WORKERS USING KNOWINGLY FRAUDULENT OR DECEPTIVE OFFERS WITH THE PURPOSE OF SUBJECTING WORKERS TO COMPELLED SERVICE IN THE DESTINATION COUNTRY? IF YOUR COUNTRY IS A DESTINATION FOR LABOR MIGRANTS (LEGAL/REGULAR OR ILLEGAL/IRREGULAR), ARE THERE LAWS PUNISHING EMPLOYERS OR LABOR AGENTS WHO CONFISCATE WORKERS' PASSPORTS OR TRAVEL DOCUMENTS FOR THE PURPOSE OF LABOR TRAFFICKING, SWITCH CONTRACTS WITHOUT THE WORKER'S CONSENT AS A MEANS TO KEEP THE WORKER IN A STATE OF COMPELLED SERVICE, OR WITHHOLD PAYMENT OF SALARIES AS MEANS OF KEEPING THE WORKER IN A STATE OF COMPELLED SERVICE?

Various Thai laws impose penalties for different aspects of labor trafficking offenses:

Anti-Human Trafficking Act (2008)

The Anti-TIP Act prescribes punishment for labor recruiters, labor agents and employers if they commit TIP offenses in accordance with three general elements of TIP, namely: actions, means, and purposes as provided in Section 6 of the Act.

For a trafficker who is an individual person:

- If a trafficking offense is committed against an adult, penalties are 4-10 years imprisonment and a fine of 80,000 to 200,000 baht (2,286-5,714 USD).
- If a trafficking offense is committed against a child between 15 to 18 years old, penalties are 6-12 years imprisonment and a fine of 120,000 to 240,000 baht (3,429-6,857 USD).
- If a trafficking offense is committed against a child below 15 years old, penalties are 8-15 years imprisonment and a fine of 160,000 to 300,000 baht (4,571 - 8,571 USD).

For a trafficker who/which is incorporated as a business:

- a trafficker who/which is incorporated as a business shall be liable to a fine of 200,000 to 1,000,000 baht (5,714-28,571 USD)
- (NOTE: this provision is intended to be in addition to the penalty

on individuals above, not instead of it. End Note.)

- if an incorporated person/entity commits an offense due to an order or act of a person (e.g., the entity's Director), or through this person's negligence, the Director shall be subjected to penalties between 6-12 years and fine of 120,000-240,000 baht (3,428-6,857 USD).

Labor Employment Act

- If an individual lures a victim into work in Thailand (i.e., domestically, without crossing borders), the penalties are up to 3 years imprisonment or fines not exceeding 60,000 baht (1,714 USD) or both.
- If an individual without a license lures a person to work abroad, the penalties are 3-10 years imprisonment and fines of 60,000-200,000 baht (1,714-5,714 USD).
- If an individual lures a person to work or to be trained abroad through fraud, the penalties are 3-10 years imprisonment and fines of 60,000-200,000 baht (1,714-5,714 USD).

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Labor Protection Act

- Employment of a child below the age of 15 carries a penalty of up to 1 year imprisonment or fines up to 200,000 baht (USD 5,714) or both.
- Failure to provide rest periods or forcing a child worker to perform prohibited tasks results in a 6-month imprisonment or a fine not exceeding 100,000 baht (USD 2,857) or both.
- Forcing a child to work during prohibited hours carries a penalty of up to 1 year imprisonment or a fine of up to 200,000 baht (USD 5,714) or both.
- Forcing an adult to work more than 36 hours per week are subjected to a penalty of not exceeding 6 months imprisonment or fines not exceeding 100,000 baht (USD 2,857) or both.
- Forcing an adult to work continuously more than 5 hours per day without at least 1 hour break shall be subjected to fines of not exceeding 20,000 baht (571 USD).

The Criminal Code

The Criminal Code prescribes criminal penalties for a person who detains, confines, lures, procures, traffics, or forces an individual into slave-like situations as follows:

-- Section 312:

- if a victim is an adult, an offender will be subjected to the imprisonment not exceeding 7 years and fines not exceeding 14,000 baht (400 USD);

-- Section 312(2):

- if victims are under 15 years old, an offender will be subjected to 3-10 years imprisonment and fines not exceeding 20,000 baht (571 USD);
- if victims are abused physically or mentally, an offender will be subjected to 5-15 years imprisonment and fines not exceeding 30,000 baht (857 USD);
- if victims are seriously injured, an offender will be subjected to lifetime imprisonment or between 7-20 years imprisonment;
- if victims die, an offender will be subject to the death penalty or lifetime imprisonment or between 15-20 years imprisonment.

-- Section 312(3):

- A person who receives, distributes, procures, lures or transports a person 15-18 years old, shall be subjected to imprisonment not exceeding 5 years or fines not exceeding 10,000 baht (285 USD) or both.
- A person who receives, distributes, procures, lures or transports a person under 15 years old, shall be subjected to imprisonment not exceeding 7 years or fines not exceeding 14,000 baht (400 USD) or both.

-- D. WHAT ARE THE PRESCRIBED PENALTIES FOR RAPE OR FORCIBLE SEXUAL ASSAULT? (NOTE: THIS IS NECESSARY TO EVALUATE A FOREIGN GOVERNMENT'S COMPLIANCE WITH TVPA MINIMUM STANDARD 2, WHICH READS:

"FOR THE KNOWING COMMISSION OF ANY ACT OF SEX TRAFFICKING... THE GOVERNMENT OF THE COUNTRY SHOULD PRESCRIBE PUNISHMENT COMMENSURATE WITH THAT FOR GRAVE CRIMES, SUCH AS FORCIBLE SEXUAL ASSAULT (RAPE)."
END NOTE)

Since 2008, the RTG has imposed stronger penalties on those who commit rape or forcible sexual assault through the amended criminal code as follows:

Criminal Code Amendment (no.19) (2008)

-- Section 276:

-In the case of forced rape or forcible sexual exploitation, 4-20 years imprisonment or fines from 8,000-40,000 baht (229-1,143 USD). If an offender uses a weapon or is involved in a group rape, 15-20 years imprisonment and fines between 30,000-40,000 baht (857-1,143 USD), or life imprisonment.

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-- Section 277:

In the case of sexual exploitation:

-If the victims are under 13 years old, penalties are 7-20 years imprisonment, and fines between 14,000-40,000 Baht (400-1,143 USD) or life imprisonment.

-If the victims are under 15 years old, penalties are 4-20 years imprisonment, and fines from 8,000-40,000 Baht (228-1,143 USD).

-If an offender uses a weapon or is involved in a group rape, life imprisonment.

--If an offender who commits a crime under section 276 and 277 and causes a victim to be seriously injured, the offender shall be subjected to 15-20 years imprisonment and fines from 30,000-40,000 baht (857-1,143 USD) or life imprisonment.

--If an offender commits a crime under section 276 and 277 and causes a victim to die, the offender shall be subjected to the death penalty or life imprisonment.

--If an offender commits a crime under section 276 and 277 and uses a weapon or is involved in a group rape that causes a victim to be seriously injured, the offender shall be subjected to the death penalty or life imprisonment.

--If an offender commits a crime under section 276 and 277 and uses a weapon or is involved in a group rape that causes a victim to die, the offender shall be subjected to the death penalty.

Prevention and Suppression of Prostitution Act (1996)

If a person detains, confines, threatens, forces, tortures or rapes others into prostitution, the penalties are 10-20 years imprisonment and fines of 200,000-400,000 baht (5,714-11,429 USD). The law also provides for offenders to receive a life sentence if responsible for serious injury to prostitutes and the death penalty if prostitutes are killed. The law also punishes those who assist an offender who harms a prostitute.

-- E. LAW ENFORCEMENT STATISTICS: DID THE GOVERNMENT TAKE LEGAL ACTION AGAINST HUMAN TRAFFICKING OFFENDERS DURING THE REPORTING PERIOD? IF SO, PROVIDE NUMBERS OF INVESTIGATIONS, PROSECUTIONS, CONVICTIONS, AND SENTENCES IMPOSED, INCLUDING DETAILS ON PLEA BARGAINS AND FINES, IF RELEVANT AND AVAILABLE. PLEASE NOTE THE NUMBER OF CONVICTED TRAFFICKING OFFENDERS WHO RECEIVED SUSPENDED SENTENCES AND THE NUMBER WHO RECEIVED ONLY A FINE AS PUNISHMENT. PLEASE INDICATE WHICH LAWS WERE USED TO INVESTIGATE, PROSECUTE, CONVICT, AND SENTENCE TRAFFICKERS. ALSO, IF POSSIBLE, PLEASE DISAGGREGATE NUMBERS OF CASES BY TYPE OF TIP (LABOR VS. COMMERCIAL SEXUAL EXPLOITATION) AND VICTIMS (CHILDREN UNDER 18 YEARS OF AGE VS. ADULTS). WHAT WERE THE ACTUAL PUNISHMENTS IMPOSED ON CONVICTED TRAFFICKING OFFENDERS? ARE THEY SERVING THE TIME SENTENCED? IF NOT, WHY NOT?

The RTG does not yet have an integrated database system that includes information from the police, prosecutors, and courts. While government shelters under MSDHS maintain victim case records,

they monitor the progress of prosecution efforts through the criminal court level but not through the appeals process to higher courts. As such, comprehensive data on law enforcement efforts is not readily available. Nonetheless, in 2009 the RTG's Anti-Trafficking in Persons Committee (ATP) agreed upon a plan to develop a comprehensive trafficking database (see details in II(D)). The RTG did provide data on law enforcement efforts as follows:

The Anti-Human Trafficking Division (AHTD), Royal Thai Police, reported that AHTD alone (not including other police divisions) investigated 134 cases of human trafficking. More than half of the cases involved sexual exploitation and one-fourth of the cases involved forced labor. Statistics by type of crime follow:

Table 4: Number of TIP investigations by the Anti-Human Trafficking Division, Royal Thai Police (June 2008–November 2009)
(Unit: number of cases)

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Types of crime	Number of cases
-----	-----
Forced Prostitution	62
Other forms of sexual exploitation	15
Forced beggars	14
Enslavement	4
Forced labor	36
Blackmail	3
Total	134

(Source: Anti-Human Trafficking Division as of January 2010)

The Office of the Attorney General (OAG) reported that in FY 2009, it received 19 cases involving human trafficking crimes, 17 of which the OAG initiated prosecutions and two of which the OAG declined to prosecute. In FY 2010, it has initiated prosecutions in eight cases received.

Number of TIP prosecutions by the OAG (FY 2008–FY 2010)

(Unit: case)

Fiscal year	Received	Initiate Prosecution	Declined
-----	-----	-----	-----
2008	28	18	10
2009	19	17	2
2010	8	8	0
	-	-	-

(Source: Office of Attorney General (OAG))

Examples of TIP cases investigated and prosecuted (both open and complete) in 2009, as well as details of other TIP-related cases with new information during 2009, follow (note: case titles are Post's own and not used officially by the RTG. Cases are not listed in any particular order.):

Anoma

In March 2008, the Anoma shrimp factory in Samut Sakhon was raided by Thai police, with 73 workers classified by Thai authorities as trafficking victims (38 adults and 35 children under age 17). The Thai police inspector's office of the city district of Samut Sakhon completed the investigation into the Anoma factory case and filed it with the Office of Attorney General of Samut Sakhon on August 19, 2008. The Police filed civil and criminal charges against two Thai citizens in the case: the owner of the Anoma factory and her brother the factory manager. The Office of the Attorney General submitted the case on September 10, 2008, to the responsible criminal court. On November 26, 2009 the court convicted and sentenced the two offenders; one offender to five years in prison and a 1 million baht fine, and the second offender to eight years in prison and a 2 million baht fine. The defendants were convicted under relevant sections of Thailand's Immigration Act and Measures in Prevention and Suppression of Trafficking in Women and Children Act, Criminal

Code, Alien Employment Act, Immigration Act, and Labor Protection Act. The conviction was significant as it was the first human trafficking conviction involving Thailand's fisheries-related industries, which includes shrimp processing.

Payao

On July 30 2008, a task force composed of police, social welfare officers, and an NGO official rescued 10 girls and women from the "Ice Karaoke" bar in Payao province. The team identified 6 victims of trafficking among them, from ages 11 to 18. The two individuals arrested were charged with human trafficking, procurement for the purpose of prostitution and harboring of illegal immigrants. One of the arrestees, the owner of the establishment, has since died from disease. Criminal proceedings continue against the other with witness testimony taken in February 2010. Prosecutors are also

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seeking damages in the amount of 100,000 baht (2,857 USD) per victim.

Ranya Paew

On September 14, 2006, police raided the "Ranya Paew" shrimp processing factory in Samut Sakhon after being tipped off by local labor activists. Police identified 66 victims of trafficking in the factory. Victims (mostly Burmese) lived in squalid conditions where they were forced to work, beaten, and unable to leave. The police interviewed 66 victims and other witnesses between December 2006 and March 2008 before filing with prosecutors. In July 2008, they filed criminal charges against three factory owners for (1) detaining or confining workers (2) putting workers into slavery situations, (3) receiving, distributing, procuring, or luring workers, and (4) conspiring with more than 2 people to commit crimes against women and children. The trial is set to begin in a Bangkok criminal court on May 18, 2010.

Pancake

In October 2009, a NGO received a report that a 17 year-old Burmese boy from Mae Sot, Tak had been kidnapped and forced to work in a rotee pancake shop in Fang, Chiang Mai. The boy had escaped after being forced to sell pancakes without pay and often physically assaulted by his employer. The NGO informed law enforcement authorities of the case through the multi-disciplinary team of government and non-governmental officials in Chiang Mai, after which police issued a warrant for the arrest of the business owner on charges of kidnapping, taking a minor away from a parent, forced labor, and human trafficking. The boy is being cared for in a shelter.

Flower Girl

The Children and Women Protection Division (CWD) arrested a Burmese woman on July 14, 2008 on charges of child exploitation and human trafficking. A second individual, a man, was arrested in the following weeks. The victim, a 16 year-old Burmese girl, was forced to sell flowers at night in Bangkok since age 10. The victim reported being beaten if she did not earn enough money. Post received an unconfirmed report that a criminal court convicted the two offenders for physical abuse of a child and providing shelter to an illegal migrant (we will follow septel should new information become available).

Trang: November 23

On November 23, officers from DSI, Immigration police, local police, MSDHS, and the Ministry of Labor, along with representatives from NGOs LPN and MAF jointly rescued 51 Burmese workers from a locked room at a port in Kantang district, Trang province, presumably to be used as laborers on fishing vessels. 15 individuals were identified as human trafficking victims and 26 were identified as potential trafficking victims, all of whom were taken to government shelters in Songkla and Ranong. The police reportedly arrested one (Burmese) man at the time of the rescue who was guarding a door behind which the victims were found. Police later arrested a local port operator

for providing shelter to illegal immigrants. In January 2010, a court sentenced the guard to 2 years imprisonment for human trafficking (he did not contest the charges, thereby receiving this reduced sentence). The port operator was fined 40,000 baht for providing shelter to illegal migrants. Local police are reportedly continuing the investigation to facilitate the arrest of additional individuals, including the three Burmese brokers who brought the victims from Burma to Thailand.

Trang: April 22

On April 22, 2009, the Department of Special Investigations (DSI), Immigration police, and officials from the Trang Provincial MSDHS office rescued two ethnic Rohingya victims of trafficking who were brought to a RTG shelter in Songkla Province. Law enforcement

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questioned 10 Burmese and one Thai in the raid, charging one of the Burmese (a labor broker) for human trafficking under section 6(1) of the Anti-Human Trafficking Act. Other Burmese were charged with illegal entry. The owner of the house was charged with providing shelter for illegal migrants under the Immigration Act and hiring illegal migrants to work under the Alien Employment Act.

Laos Garland Factory

On May 17, 2009 the Thai Immigration police raided a small garland-making factory (located in a home) in Samut Sakhon, rescuing nineteen Laotian girls and young women, ages 12-20, who the police consider victims of human trafficking. The Immigration police arrested the two factory owners, Mr. Kasem Pensuk and Mrs. Tawanrat Sukprasertngam, on charges of human trafficking, child labor, and receiving/sheltering illegal immigrants. The Immigration Police and Ministry of Social Development and Human Securities (MSDHS) officials became aware of the case through another Laotian girl who had escaped the factory. All twenty victims (including the escapee), after being cared for at a Thai government shelter, were repatriated on September 24, 2009. Prosecutors have taken pre-trial statements in the criminal case. In a civil settlement, the employer agreed to pay a total of 642,308 baht to the workers.

Samaesan

On October 11, DSI, Thai Police (Region 2), marine police, provincial social workers from the Ministry of Social Development and Human Security (MSDHS), and representatives from Thai NGOs Mirror Foundation and LPN jointly rescued 18 Burmese laborers who were forced to work in fishing boats in Samaesan, Sataheep, in Chonburi province. The operation resulted in the arrest of three offenders. Mr. Mongkun Boonchosri (44), and Ms. Tinchoey (47) were charged with human trafficking, detaining and confining, forcing children under 18 to work, forcing people into slave labor, and providing shelter to illegal migrants. Ms. Tinchoey and Mr. Aabapha (36) were also charged with attempting to bribe officers in an effort to avoid arrest. All 18 victims were sent to MSDHS' Chonburi Children and Family Home. In preliminary interviews with government officials, the victims explained they were forced to work on the vessel in order to pay off broker fees and, if the boat captain was not satisfied with their work, the victims were beaten. They also reported being locked in a room (on shore) against their will when the boat was docked and to being forcibly taken on board again when the boat departed. The AHTD police continue to investigate the case.

Vietnamese

In August 2009, Department of Special Investigation (DSI) officers rescued eight Vietnamese women and girls (ranging in ages from seventeen to twenty-one) from forced prostitution in a hotel in the Betong district of the southern province of Yala. The raid took place after Vietnamese officials informed Thai counterparts of what they had learned of the case in Vietnam. The officers arrested one woman for forced prostitution. The victims had been told that they were going to work in restaurants in Singapore; instead, they were brought to Thailand and forced to work as prostitutes. The victims are receiving services in a Thai government shelter, reportedly

cooperating with the ongoing investigation by the AHTD.

Moo Baan Factory

On July 19, 2009, the Migrant Karen Labor Union (MKLU) received information from a worker in a shrimp peeling factory in Samut Sakhon regarding the forced labor of Burmese migrant workers who worked for approximately USD 1.50 per week. The workers reportedly were moved from off-site living quarters to the factory in a locked container truck daily (approximately ten minute drive). According to the informant who had worked for six months at the factory, on July 15, 2009, he and thirteen other workers escaped the factory, although ten of them were caught and brought back to the work place.

With this information from the NGO, Thai authorities raided the

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factory on July 31, 2009 and rescued 52 Burmese migrant workers. The employer, his wife, and three other individuals were arrested after the raid. 15 female victims were taken to the Baan Kredtrakarn shelter in Nonthaburi Province and 20 other female victims were taken to a separate shelter. 13 male victims were taken to a shelter in Pathom Thani province (reportedly, only one of the thirteen male victims remained in the shelter, the others having been repatriated back to Burma or having run away). According to a police official and an NGO with knowledge of the case, prosecutors are moving forward with the case against the factory owner and are taking witness testimony. Ministry of Labor officials worked with the victims on a civil case to seek compensation for unpaid wages.

Italy

On May 29, 2009, a criminal court sentenced a Thai woman to 18 years imprisonment for trafficking three women from Thailand's Si Sa Ket to Italy, where they were forced to work as prostitutes. The court also ordered the offender to pay the victims a total of 1.5 million Thai baht in compensation. The victims, all adult women, were lured to Europe with the promise of well-paid jobs as house maids. After arriving in Milan via Vienna in February 2006, the women were forced to work as prostitutes until Italian police rescued the women and repatriated them back to Thailand in August 2006. The offender was arrested in Si Sa Ket in July 2007 after she returned from Italy.

South Africa

On June 30, 2009, a criminal court sentenced three women to seven years and six months in prison for trafficking two women for the purpose of sexual exploitation in South Africa in 2006. The victims had paid the offenders 30,000 baht to bring them to what they thought would be a job in a bar. When they arrived in South Africa, the victims were forced to work as prostitutes. The victims escaped and were assisted by the Thai Embassy. Law enforcement officers then investigated and arrested the offenders.

Bahrain

On October 8, 2009, a criminal court sentenced a thirty-year old Thai male to seven years in prison for trafficking four women for the purpose of prostitution in Bahrain. Each victim had paid the offender 150,000 baht (USD 4,545) for what they thought were waitressing jobs in a Thai restaurant in Bahrain. After they arrived, the women were forced to work as prostitutes.

Supanburi

On August 10, 2009, a criminal court sentenced a factory owner to death for the June 2007 death of a Karen migrant worker who attempted to flee a factory in Supanburi Province. The worker had been subjected to forced labor and severe physical abuse; the factory owner was charged with murder and with providing work and shelter to illegal migrant workers. The case is currently under appeal.

Waraporn

In March 2008, officials from CWD raided a shrimp-processing

facility in Samut Sakhon province and identified 20 victims (out of approximately 300 interviewed) as trafficking victims. A local NGO called in to assist the victims with interpretation services reported the raid and screening process were not conducted well, raising concerns potential victims were not identified. Nevertheless, the case is proceeding in the Thai court system with pre-trial statements completed on July 14, 2009. Ministry of Labor officials continue gathering information to support civil penalties.

Prapha Navee

A fleet of six fishing vessels (called "Prapha Navee") returned to a

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Thai port in July 2006, and reported 39 deaths among their crewmembers of over 100. Survivors testified that the cause of death was starvation and malnutrition due to the failure of the fleet captains to provide food, and that the bodies of the 39 deceased were thrown overboard. In September 2008, a Labor Court ordered 38 surviving crew members receive 3.8 million baht (108,571 USD) in back wages; the decision is under appeal. Meanwhile, new police investigators reportedly took over the case as the original criminal investigation stalled with arrest warrants issued only in the nicknames of the fishing boat captains involved. To date, no arrests have been made. Law enforcement officials have stated that the disposal of corpses at sea is a significant problem for the investigation, since Thai law requires presentation of a corpse or a part of a corpse to sustain a homicide charge. They also noted potential witnesses were uninterested in testifying.

-- F. DOES THE GOVERNMENT PROVIDE ANY SPECIALIZED TRAINING FOR LAW ENFORCEMENT AND IMMIGRATION OFFICIALS ON IDENTIFYING AND TREATING VICTIMS OF TRAFFICKING? OR TRAINING ON INVESTIGATING AND PROSECUTING HUMAN TRAFFICKING CRIMES? SPECIFY WHETHER NGOS, INTERNATIONAL ORGANIZATIONS, AND/OR THE USG PROVIDE SPECIALIZED TRAINING FOR HOST GOVERNMENT OFFICIALS.

In 2009, the RTG revised and redistributed guidelines (in Thai) on trafficking victim identification. The guidelines had been developed in 2008, for use by police officers, immigration officers, social workers and members of civil society to better identify potential trafficking victims under Thailand's new TIP law. The guidelines, in the form of a questionnaire to be used while interviewing a potential victim during or after an anti-TIP operation, provide a framework for interviewing officials to have a clearer understanding of what defines a TIP victim. The guidelines state that a person can be a victim of trafficking even if he/she originally participated voluntarily in the activity in question and regardless of one's immigration or worker registration status. They also explain that debt bondage is considered a type of human trafficking, and instruct that various types of supporting evidence should be considered when identifying trafficking victims (i.e., evidence of physical abuse or psychological trauma, etc).

MSDHS organized anti-TIP training sessions specifically for "competent officials" (including social workers, police, immigration, public health officer) as defined by the 2008 Anti-TIP law and the relevant subordinate regulation. The training involves an exam that officials must pass prior to being designated a "competent officials." The Ministry expects at least 1,000 individuals will participate in the training sessions taking place from December 2009 to March 2010.

In addition, the Thai Ministry of Labor in 2009, with support from the ILO, conducted two training sessions in Thailand's upper North and the Central region on the "Operational Guidelines for Labor Trafficking," finalized in April 2008. Approximately 35 individuals participated in each session. The guidelines were established to improve coordination among members of multi-disciplinary teams, consisting of both government and non-government officials, during labor trafficking operations (i.e., rescue and protection).

The OAG conducted training sessions on Thailand's Anti-TIP for 600 public prosecutors from March 2008 to March 2009, and held a joint seminar on human trafficking with counterparts from Laos. From July

20-24, the Asia Regional Trafficking in Persons Project (ARTIP) partnered with the OAG on a training workshop for thirty public prosecutors aimed at improving the prosecution of TIP crimes.

-- G. DOES THE GOVERNMENT COOPERATE WITH OTHER GOVERNMENTS IN THE INVESTIGATION AND PROSECUTION OF TRAFFICKING CASES? IF POSSIBLE, PROVIDE THE NUMBER OF COOPERATIVE INTERNATIONAL INVESTIGATIONS ON TRAFFICKING DURING THE REPORTING PERIOD.

The Thai government cooperated broadly with other governments on TIP activities during the reporting period, including in the investigation and prosecution of TIP crimes (see examples of

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specific cases investigated and prosecuted in the answer to question E above).

As an example of cross-border cooperation, under existing MOUs, the RTG conducts regular meetings (at three levels) with the Lao and the Burmese government. The first level "case conference" meetings occur in the event of a new case of cross-border trafficking, or an update on an old case. At the meetings, social workers from Lao or Burma interview trafficked victims in order to obtain information for tracing their families and to assist coordination with the RTG on the victim's repatriation. The second level "case management meetings" between senior officials from the RTG and Lao or Burmese government are conducted at least every three months, with funding from the IOM. Thailand, Laos, and Burma take turns hosting the meetings that aim to solve implementation problems found through case conferences. Should recommended policy changes or revised procedures be identified through these meetings, the RTG takes them up at memorandum of understanding (MOU) plan of action meetings through the UN-organized "COMMIT process." Reportedly, the government of Vietnam favors this model and is working with the RTG to develop one.

Key and updated information on the Thai government's MOUs, bilateral and multilateral, through which it cooperates on TIP issues follow (from MSDHS and UN sources):

-- Greater Mekong Subregion (GMS): the MOU on the UN's COMMIT process was signed on October 29, 2004. This joint declaration among six Mekong sub-region countries affirms a political commitment to eradicating all forms of TIP in the Greater Mekong sub region. Member countries reviewed the achievements of the first Sub-regional Plan of Action (SPA) in 2005-2007 and endorsed the Second SPA 2008-2010 focusing on seven areas: 1) Training and Capacity Building, 2) National Plans of Action, 3) Multilateral and Bilateral Partnerships, 4) Legal Frameworks, Law Enforcement, and Justice, 5) Victim Identification, Protection, Recovery and Reintegration, 6) Preventive Measures, and 7) Cooperation with the Tourism Sector. In November 5-6 2008 COMMIT meetings, COMMIT countries agreed to invite Malaysia to join the Initiative.

-- Cambodia: the MOU between Thailand and Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking, was signed on May 31, 2003. The MOU covers cooperation in 3 areas: 1) return and reintegration, 2) prosecution process guidelines and 3) information sharing.

-- Laos: the MOU between Thailand and Laos on Cooperation to Combat Trafficking in Persons, Especially Women and Children, was signed on July 31, 2005. On February 6-8, 2006, Laos and Thailand endorsed the Bilateral Action Plan and Guidelines on Procedures of Victim Return and Victim Rehabilitation, Especially Women and Children. A Plan of Action (POA) phase II (2010-2012) was finalized in September 2009. Key aspects of POA phase II include the exchange of information and knowledge on law enforcement and prosecution; the development of twin border cities; and reintegration support.

-- Vietnam: the MOU between Thailand and Vietnam on Cooperation to Combat Trafficking in Persons was signed on March 24, 2008. On March 19, 2009, governments of both nations agreed to a joint plan of action that includes setting up a bilateral working group to combat human trafficking, conducting an assessment of the bilateral human

trafficking situation and providing recommendations for preventive measures, collaborating on the provision of protection and repatriation of TIP victims, and expanding the sharing and exchange of information on TIP in general. Teams from both countries are drafting standard operating procedures to assist trafficking victims, which are expected to be finalized in 2010.

-- Burma: On April 24, 2009, the RTG and Burmese government signed an MOU on Cooperation to Combat Trafficking in Persons. The MOU covers areas such as prevention, protection, recovery and reintegration of victims, and law enforcement and prosecution

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collaboration. A related plan of action under the MOU was concluded on August 6, 2009 and calls for:

- (i) the establishment of a joint task force,
- (ii) an assessment of the bilateral human trafficking situation (to begin in the first quarter of 2010).
- (iii) coordination of multidisciplinary training on victim protection (MSDHS will host training sessions for officials from Thailand and Burma in the first quarter of 2010; MSDHS is developing a TIP training curriculum for interpreters who provide services in TIP cases and plans to provide training in 2010.
- (iv) improved reintegration mechanisms.

-- Malaysia: The RTG proposed in July 2007 that Thailand and Malaysia sign a draft MOU on Cooperation to Combat Trafficking in Persons. The Malaysian government returned a draft MOU to Thailand for consideration in July 2009.

-- Australia: MSDHS and the Australian Federal Police (AFP) are reportedly developing a draft MOU on cooperation on the repatriation of trafficked victims and dissemination of information to the public. The final draft was reviewed by both sides in December 2009 and it is expected to be signed in 2010. On July 4, 2008, the RTG signed an MOU with the Asia Regional Trafficking in Persons Project (ARTIP), funded by the Australian government, to support law enforcement and capacity building on investigatory and prosecution processes.

-- Japan: The RTG and the Japanese government are reportedly working to set up a bilateral anti-human trafficking task force to develop a formal MOU and standard operating procedures on victim protection and reintegration.

-- H. DOES THE GOVERNMENT EXTRADITE PERSONS WHO ARE CHARGED WITH TRAFFICKING IN OTHER COUNTRIES? IF SO, PLEASE PROVIDE THE NUMBER OF TRAFFICKERS EXTRADITED DURING THE REPORTING PERIOD, AND THE NUMBER OF TRAFFICKING EXTRADITIONS PENDING. IN PARTICULAR, PLEASE REPORT ON ANY PENDING OR CONCLUDED EXTRADITIONS OF TRAFFICKING OFFENDERS TO THE UNITED STATES.

According to the Office of the Attorney General (OAG), Thailand did not make any TIP-related extraditions in 2009. However, the RTG granted the TIP-related extradition concerning an American citizen, ordering his removal to the United States following his completion of a sentence of imprisonment in Thailand for related conduct. The RTG also deported multiple American citizens wanted in the United States in child exploitation cases, including for child sex tourism. The OAG also reported that it requested legal assistance on one TIP-related case and received three mutual legal assistance requests from other countries.

-- I. IS THERE EVIDENCE OF GOVERNMENT INVOLVEMENT IN OR TOLERANCE OF TRAFFICKING, ON A LOCAL OR INSTITUTIONAL LEVEL? IF SO, PLEASE EXPLAIN IN DETAIL.

There were some reports (such as by Human Rights Watch) of local officials involved in the abuse of migrants, including forced labor. There was no information indicating that there was any tolerance for trafficking at an institutional level.

-- J. IF GOVERNMENT OFFICIALS ARE INVOLVED IN HUMAN TRAFFICKING, WHAT STEPS HAS THE GOVERNMENT TAKEN TO END SUCH COMPLICITY? PLEASE INDICATE THE NUMBER OF GOVERNMENT OFFICIALS INVESTIGATED AND PROSECUTED FOR INVOLVEMENT IN TRAFFICKING OR TRAFFICKING-RELATED

CRIMINAL ACTIVITIES DURING THE REPORTING PERIOD. HAVE ANY BEEN CONVICTED? WHAT SENTENCE(S) WAS IMPOSED? PLEASE SPECIFY IF OFFICIALS RECEIVED SUSPENDED SENTENCES, OR WERE GIVEN A FINE, FIRED, OR REASSIGNED TO ANOTHER POSITION WITHIN THE GOVERNMENT AS PUNISHMENT. PLEASE INDICATE THE NUMBER OF CONVICTED OFFICIALS THAT RECEIVED SUSPENDED SENTENCES OR RECEIVED ONLY A FINE AS PUNISHMENT.

According to section 12 of the 2008 Anti-TIP law, government officials who are involved in or commit crimes under the Act shall be subjected to double the punishment stipulated for such offense.

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Post was not aware of government officials investigated or prosecuted for involvement in trafficking or trafficking-related corruption during the reporting period.

-- K. FOR COUNTRIES THAT CONTRIBUTE TROOPS TO INTERNATIONAL PEACEKEEPING EFFORTS...

Per Ref. A, paragraph 29, not applicable.

-- L. IF THE COUNTRY HAS AN IDENTIFIED PROBLEM OF CHILD SEX TOURISTS COMING TO THE COUNTRY, WHAT ARE THE COUNTRIES OF ORIGIN FOR SEX TOURISTS? HOW MANY FOREIGN PEDOPHILES DID THE GOVERNMENT PROSECUTE OR DEPORT/EXTRADITE TO THEIR COUNTRY OF ORIGIN? IF YOUR HOST COUNTRY'S NATIONALS ARE PERPETRATORS OF CHILD SEX TOURISM, DO THE COUNTRY'S CHILD SEXUAL ABUSE LAWS HAVE EXTRATERRITORIAL COVERAGE (SIMILAR TO THE U.S. PROTECT ACT) TO ALLOW THE PROSECUTION OF SUSPECTED SEX TOURISTS FOR CRIMES COMMITTED ABROAD? IF SO, HOW MANY OF THE COUNTRY'S NATIONALS WERE PROSECUTED AND/OR CONVICTED DURING THE REPORTING PERIOD UNDER THE EXTRATERRITORIAL PROVISION(S) FOR TRAVELING TO OTHER COUNTRIES TO ENGAGE IN CHILD SEX TOURISM?

According to Embassy-based law enforcement officers, the countries of origin for sex tourists are Germany, the United Kingdom, the U.S.A., Canada, Australia, and to a lesser extent, Japan.

According to the Office of the Attorney General (OAG), Thailand did not make any TIP-related extraditions in 2009. However, the RTG granted the TIP-related extradition concerning an American citizen, ordering his removal to the United States following his completion of a sentence of imprisonment in Thailand for related conduct. The RTG also deported multiple American citizens wanted in the United States in child exploitation cases, including for child sex tourism.

The OAG also reported that it requested legal assistance on one TIP-related case and received three mutual legal assistance requests from other countries.

IV) PROTECTION AND ASSISTANCE TO VICTIMS:

-- A. WHAT KIND OF PROTECTION IS THE GOVERNMENT ABLE UNDER EXISTING LAW TO PROVIDE FOR VICTIMS AND WITNESSES? DOES IT PROVIDE THESE PROTECTIONS IN PRACTICE?

Under the Law

According to the 2008 Anti-TIP law, MSDHS shall provide assistance as appropriate to a trafficked person, including food, shelter, medical treatment, physical and mental rehabilitation, education, training, legal aid, return to the country of origin or domicile, and legal assistance with the processing of compensation. Trafficking victims have the right to receive information regarding the timeframe of the delivery of assistance, and their consultation regarding the delivery of assistance is to be sought.

The Act also stipulates that officials shall provide for the safety and protection of trafficking victims under their care, as well as that of the victims' family members (if also trafficked). Trafficking victims who cooperate with the prosecution of their case as witnesses shall be protected under the law and will be allowed to temporarily remain in Thailand and work while their case proceeds.

The Act states that for Thai nationals trafficked abroad who want to return to Thailand or their country of residence, the RTG shall assist without delay, and consider the victims safety and welfare. For trafficking victims abroad who are not Thai, but reside, are

domiciled, and/or have been granted temporary status to remain in Thailand under Thai law, the RTG shall assist their return to Thailand should the victim desire.

Section 41 of the Act stipulates that unless the Minister of Justice grants permission in writing, trafficking victims cannot be prosecuted for entering, leaving, or residing in Thailand illegally, for giving false information to government officials, for forging or using a forged travel document, for prostitution, or for working

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illegally. Government officials, in providing assistance, may place the trafficked person in the care of a government or private welfare center.

In Practice

MSDHS operated 76 temporary shelters located in every province to provide temporary shelter for victims during the first 24 hours after their rescue or receipt of assistance by the State (or 7 days with court permission). After 24 hours, victims are transferred to 9 main centers (five for women and children, and four for men). The RTG established all four shelters for men (in Chiang Rai, Pathumtani, Ranong, and Songkla) since the June 2008 anti-TIP Act came into force (i.e., in general, during the reporting period). The RTG partners with NGOs in the rescue, protection, rehabilitation, and repatriation of TIP victims. Victims were engaged in income generating activities within government shelters in which they resided (e.g., handicraft making by female victims) but generally not outside government shelters.

The RTG made continued efforts to fully implement article 37 of Thailand's TIP law, which authorizes, in certain circumstances, TIP victims to temporarily work in Thailand (presumably outside shelters). In some instances, male TIP victims were allowed to work outside of shelters at construction sites during the day and return to the shelters at night (Note: it is unclear whether these individuals held Thai work permits. End Note.). There were other reported occasions in which local officials allowed victims to work outside shelters on a case by case basis. MSDHS also requested that the Thai Council of State determine whether article 37 of the TIP law supersedes provisions of other relevant laws (i.e., the Immigration Act and Alien Employment Act), thereby allowing for victims to receive work permits immediately. The Council of State responded in December 2009 that article 37 conflicts with other Thai laws, thereby requiring legal changes before the article 37 provisions can be fully implemented.

Thai embassies provided consular protection to Thai citizens who faced difficulties overseas. In 2009, the MFA received a budget of 6 million baht (USD 176,470) for TIP prevention and victim assistance activities and assisted in the repatriation of 309 victims to Thailand.

-- B. DOES THE COUNTRY HAVE VICTIM CARE FACILITIES (SHELTERS OR DROP-IN CENTERS) WHICH ARE ACCESSIBLE TO TRAFFICKING VICTIMS? DO FOREIGN VICTIMS HAVE THE SAME ACCESS TO CARE AS DOMESTIC TRAFFICKING VICTIMS? WHERE ARE CHILD VICTIMS PLACED (E.G., IN SHELTERS, FOSTER CARE, OR JUVENILE JUSTICE DETENTION CENTERS)? DOES THE COUNTRY HAVE SPECIALIZED CARE FOR ADULTS IN ADDITION TO CHILDREN? DOES THE COUNTRY HAVE SPECIALIZED CARE FOR MALE VICTIMS AS WELL AS FEMALE? DOES THE COUNTRY HAVE SPECIALIZED FACILITIES DEDICATED TO HELPING VICTIMS OF TRAFFICKING? ARE THESE FACILITIES OPERATED BY THE GOVERNMENT OR BY NGOS? WHAT IS THE FUNDING SOURCE OF THESE FACILITIES? PLEASE ESTIMATE THE AMOUNT THE GOVERNMENT SPENT (IN U.S. DOLLAR EQUIVALENT) ON THESE SPECIALIZED FACILITIES DEDICATED TO HELPING TRAFFICKING VICTIMS DURING THE REPORTING PERIOD.

During 2009, the RTG, through MSDHS, operated 76 temporary shelters in every Thai province and nine main shelters (five for adult women and children, and four for adult males and their families) that provide assistance to both Thai and foreign TIP victims. Through the shelters, MSDHS's Bureau of Anti-Trafficking in Women and Children (BATWC) provides equal support to TIP victims regardless of their country of origin, responding to both their physical and psychological needs.

MSDHS reported that government shelters received and provided assistance to 609 TIP victims in 2009, 530 foreigners and 79 Thai citizens (note: most Thai citizens who received assistance from the MSDHS chose to reside in their own home instead of a government shelter). Out of the 530 foreign TIP victims, almost three-fourths (398 victims) were victims of labor exploitation in factories (175 victims), 170 worked in fisheries-related industries and 53 worked

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as domestic employees. Less than one-fourth (108 victims) were victims of commercial sexual exploitation.

Rehabilitation services provided to male and female trafficking victims differed slightly. Life-skills training for female victims focused on making handicrafts, sewing, and computer training. Life-skills training for male victims focused on farming, mushroom gardening, and hairdressing.

-- C. DOES THE GOVERNMENT PROVIDE TRAFFICKING VICTIMS WITH ACCESS TO LEGAL, MEDICAL AND PSYCHOLOGICAL SERVICES? IF SO, PLEASE SPECIFY THE KIND OF ASSISTANCE PROVIDED. DOES THE GOVERNMENT PROVIDE FUNDING OR OTHER FORMS OF SUPPORT TO FOREIGN OR DOMESTIC NGOS AND/OR INTERNATIONAL ORGANIZATIONS FOR PROVIDING THESE SERVICES TO TRAFFICKING VICTIMS? PLEASE EXPLAIN AND PROVIDE ANY FUNDING AMOUNTS IN U.S. DOLLAR EQUIVALENT. IF ASSISTANCE PROVIDED WAS IN-KIND, PLEASE SPECIFY EXACT ASSISTANCE. PLEASE SPECIFY IF FUNDING FOR ASSISTANCE COMES FROM A FEDERAL BUDGET OR FROM REGIONAL OR LOCAL GOVERNMENTS.

Government shelters provide several types of support to trafficking victims as follows:

- food and accommodations;
- medical care;
- counseling services;
- psychological assistance programs;
- education (e.g. computer training, English courses);
- vocational training (e.g. sewing and knitting, dressmaking, weaving, arts and crafts, cooking, painting, farming, hairdressing, etc.);
- recreational services and social activities (e.g. library, entertainment room, music class, sport classes, religious activities, sightseeing);
- early childcare;
- life-skills education (e.g. risk management and problem solving techniques);
- reintegration and family assistance programs to help prepare victims before repatriation and reintegration with their families during and after their stay in the shelter.

There is limited direct funding provided by the RTG to foreign or domestic NGOs for services to victims. However, the government provides in-kind assistance in the form of technical support, personnel, and facilities to NGOs active in anti-trafficking activities. For example, a joint NGO-government trafficking task force in Chiang Mai is located in the provincial hall. Government office space and stipends for volunteers are also provided to the National Council for Child and Youth Development, a non-governmental umbrella organization that includes anti-trafficking activities in its mandate.

Despite the services provided to TIP victims, there were regular reports over the rating period of individual foreign TIP victims who chose to flee shelters, likely to attempt to return to families or to seek outside employment, and not await completion of formal - an often lengthy - repatriation procedures.

-- D. DOES THE GOVERNMENT ASSIST FOREIGN TRAFFICKING VICTIMS, FOR EXAMPLE, BY PROVIDING TEMPORARY TO PERMANENT RESIDENCY STATUS, OR OTHER RELIEF FROM DEPORTATION? IF SO, PLEASE EXPLAIN.

The RTG does not provide permanent residency status or other permanent relief from deportation for trafficking victims. The RTG does allow those classified as foreign TIP victims to receive temporary (and often long-term) shelter and social services pending

repatriation to their country of origin. In 2009, shelter officials reported they provided protection and social services for 530 foreign trafficking victims, including 57 from Cambodia, 260 from Burma, 195 from Laos, and 18 from other nations. The RTG provides the following assistance to foreigners trafficked into Thailand:

- temporary protection and rehabilitation as well as vocational

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training

- collaboration with families, other governments, and NGOs for safe repatriation
- immunity from charges of crimes associated with the TIP victims' status (i.e., illegal immigration, prostitution, etc.).

Furthermore, RTG officials cooperated with other governments, NGOs, and international organizations to facilitate safe repatriation processes and follow-up monitoring overseas.

A 2005 Cabinet Resolution established guidelines for the return of stateless residents abroad who have been identified as TIP victims and who can be proved to have had prior residency in Thailand. These stateless residents can be given residency status in Thailand on a case-by-case basis.

-- E. DOES THE GOVERNMENT PROVIDE LONGER-TERM SHELTER OR HOUSING BENEFITS TO VICTIMS OR OTHER RESOURCES TO AID THE VICTIMS IN REBUILDING THEIR LIVES?

The RTG allows individuals classified as foreign TIP victims to receive temporary (and often long-term) shelter and social services pending repatriation to their country of origin. MSDHS reported that government shelters received and provided assistance to 609 TIP victims in 2009, 530 foreigners and 79 Thai citizens.

Government shelters provide several types of support to trafficking victims as follows:

- food and accommodations;
- medical care;
- counseling services;
- psychological assistance programs;
- education (e.g. computer training, English courses);
- vocational training (e.g. sewing and knitting, dressmaking, weaving, arts and crafts, cooking, painting, farming, hairdressing, etc.);
- recreational services and social activities (e.g. library, entertainment room, music class, sport classes, religious activities, sightseeing);
- early childcare;
- life-skills education (e.g. risk management and problem solving techniques);
- reintegration and family assistance programs to help prepare victims before repatriation and reintegration with their families during and after their stay in the shelter.

There is limited direct funding provided by the RTG to foreign or domestic NGOs for services to victims. However, the government provides in-kind assistance in the form of technical support, personnel, and facilities to NGOs active in anti-trafficking activities. For example, a joint NGO-government trafficking task force in Chiang Mai is located in the provincial hall. Government office space and stipends for volunteers are also provided to the National Council for Child and Youth Development, a non-governmental umbrella organization that includes anti-trafficking activities in its mandate.

RTG policy is based on the belief that TIP victims, including foreign, wish to return to their home community. As such, services provided are on rehabilitation with the ultimate goal of reintegration with home communities, including through repatriation.

-- F. DOES THE GOVERNMENT HAVE A REFERRAL PROCESS TO TRANSFER VICTIMS DETAINED, ARRESTED OR PLACED IN PROTECTIVE CUSTODY BY LAW ENFORCEMENT AUTHORITIES TO INSTITUTIONS THAT PROVIDE SHORT- OR

LONG-TERM CARE (EITHER GOVERNMENT OR NGO-RUN)?

Thailand has regional MOUs (between provinces within one region) on cooperation to combat human trafficking. These MOUs provide practical guidelines on the coordination of raid/rescue operations, and protection and referral processes that involve relevant members

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of government agencies and NGOs (working in what are referred to as multidisciplinary teams). MOUs for the northeastern and eastern regions were signed in 2006 and the MOUs for the northern and southern regions were signed in 2007. MOUs covering the central region were the last signed in 2008 (one covering the lower central region signed in May and one covering the upper central region in July).

The regional MOUs provide procedures to the Provincial Operation Center on Prevention and Suppression of Human Trafficking (POCHT) in each province. They generally state the POCHT shall coordinate with members of their multidisciplinary teams (e.g., social workers, health care officials, psychologists, etc.). Under these procedures, trafficking victims are transferred to government or NGO-run shelters as appropriate. If there is a reason to believe a victim shall be endangered in a particular shelter, the chief of the shelter or POCHT secretariat can request the police provide protection under the 2003 Witness Protection Act.

According to an NGO that partners with the RTG on victim assistance, training of RTG officials has improved coordination on TIP cases. Other NGO observers believe that frontline implementers of Thailand's TIP laws and policies require continued training to improve coordination more.

-- G. WHAT IS THE TOTAL NUMBER OF TRAFFICKING VICTIMS IDENTIFIED DURING THE REPORTING PERIOD? (IF AVAILABLE, PLEASE SPECIFY THE TYPE OF EXPLOITATION OF THESE VICTIMS - E.G. "THE GOVERNMENT IDENTIFIED X NUMBER OF TRAFFICKING VICTIMS DURING THE REPORTING PERIOD, Y OR WHICH WERE VICTIMS OF TRAFFICKING FOR SEXUAL EXPLOITATION AND Z OF WHICH WERE VICTIMS OF NONCONSENSUAL LABOR EXPLOITATION.) OF THESE, HOW MANY VICTIMS WERE REFERRED TO CARE FACILITIES FOR ASSISTANCE BY LAW ENFORCEMENT AUTHORITIES DURING THE REPORTING PERIOD? BY SOCIAL SERVICES OFFICIALS? WHAT IS THE NUMBER OF VICTIMS ASSISTED BY GOVERNMENT-FUNDED ASSISTANCE PROGRAMS AND THOSE NOT FUNDED BY THE GOVERNMENT DURING THE REPORTING PERIOD?

There is no official estimate available for the number of trafficking victims identified during the reporting period. Information provided by the RTG indicated that the vast majority of identified TIP victims, including those receiving services in government shelters, are non-Thai citizens.

The Ministry of Social Development and Human Security (MSDHS) reported that 530 foreign women, children, and men were classified as TIP victims in Thailand and received assistance and protection at MSDHS shelters in 2009. Out of 530 foreign TIP victims, almost three-fourths (398 victims) were victims of labor exploitation: 175 in factories, 170 in fisheries-related industries, and 53 as domestic employees. Less than one-fourth (108 victims) were victims of commercial sexual exploitation.

AHTD reported that it alone (not including other police divisions) investigated 134 cases of human trafficking. More than half of the cases involved sexual exploitation and one-fourth of the cases involved forced labor. The MFA Department of Consular Affairs reported 309 Thai nationals were classified as TIP victims abroad and repatriated to Thailand with MFA assistance in 2009 (see tables in answers to questions 1-B).

-- H. DO THE GOVERNMENT'S LAW ENFORCEMENT, IMMIGRATION, AND SOCIAL SERVICES PERSONNEL HAVE A FORMAL SYSTEM OF PROACTIVELY IDENTIFYING VICTIMS OF TRAFFICKING AMONG HIGH-RISK PERSONS WITH WHOM THEY COME IN CONTACT (E.G. FOREIGN PERSONS ARRESTED FOR PROSTITUTION OR IMMIGRATION VIOLATIONS)? FOR COUNTRIES WITH LEGALIZED PROSTITUTION, DOES THE GOVERNMENT HAVE A MECHANISM FOR SCREENING FOR TRAFFICKING VICTIMS AMONG PERSONS INVOLVED IN THE LEGAL/REGULATED COMMERCIAL SEX TRADE?

In 2008, the RTG developed "Guidelines on Trafficked Victim Identification" for use by police officers, immigration officers, social workers and members of civil society to better identify potential trafficking victims under Thailand's new TIP law. The

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guidelines, in the form of a questionnaire to be used while interviewing a potential victim during or after an anti-TIP operation, provide a framework for interviewing officials to have a clearer understanding of what defines a TIP victim. The guidelines state that a person can be a victim of trafficking even if he/she originally participated voluntarily in the activity in question and regardless of one's immigration or worker registration status. They also explain that debt bondage is considered a type of human trafficking, and instruct that various types of supporting evidence should be considered when identifying trafficking victims (i.e., evidence of physical abuse or psychological trauma, etc).

In order to provide government officials with sufficient knowledge to identify TIP victims, the Royal Thai Police and MSDHS co-conducted numerous one-day trainings for police officers (including immigration police) that focused on the Anti-TIP law and victim identification process. MSDHS reported that approximately 2,500 police received training during 2009 (in addition to an equal number in FY 2008).

According to Thailand's MOUs and guidelines regarding trafficking cases, police collaborate with social workers, NGOs, and interpreters when conducting a raid and screening for TIP victims. The Coordination Center for the Protection of Children's Rights Foundation Chiang Mai (TRAFCORD) informed us that the process of identifying TIP victims among prostitutes sometimes takes two to four weeks in order to gain the trust of victims. Police officials and NGO representatives stated that overcoming language barriers is often the most difficult challenge of identifying TIP victims.

-- I. ARE THE RIGHTS OF VICTIMS RESPECTED? ARE TRAFFICKING VICTIMS DETAINED OR JAILED? IF SO, FOR HOW LONG? ARE VICTIMS FINED? ARE VICTIMS PROSECUTED FOR VIOLATIONS OF OTHER LAWS?

The 2008 Anti-TIP Law provided numerous rights to trafficking victims (see question C above), which are generally respected. Trafficking victims have the right to receive services from the State and information regarding the timeframe of assistance delivery. Illegal migrants who are trafficking victims are repatriated through established RTG processes in cooperation with foreign governments and civil society. The anti-TIP law stipulates that unless the Minister of Justice grants permission in writing, trafficking victims cannot be prosecuted for entering, leaving, or residing in Thailand illegally, for giving false information to government officials, for forging or using a forged travel document, for prostitution, or working illegally.

In practice, court proceedings in Thailand for all types of crime are usually protracted, sometimes causing trafficking victims who cooperate with prosecutions to remain in shelters for extended periods of time. The RTG does, though, allow for victims who have already given pre-trial testimony to be repatriated instead of remaining in shelters. Another factor contributing to the lengthy stays in shelters is the difficulty in verifying the nationality of victims as part of the repatriation process, especially of those without national identity cards or who are ethnic minorities from Burma. Difficulties in tracing families (for children), and in arranging documentation and reception by officials or NGO workers in neighboring countries, resulted in lengthy stays. During this period victims are protected at shelters, where they receive medical treatment and food, counseling, and limited vocational and literacy training.

-- J. DOES THE GOVERNMENT ENCOURAGE VICTIMS TO ASSIST IN THE INVESTIGATION AND PROSECUTION OF TRAFFICKING? HOW MANY VICTIMS ASSISTED IN THE INVESTIGATION AND PROSECUTION OF TRAFFICKERS DURING THE REPORTING PERIOD? MAY VICTIMS FILE CIVIL SUITS OR SEEK LEGAL ACTION AGAINST TRAFFICKERS? DOES ANYONE IMPEDE VICTIM ACCESS TO SUCH LEGAL REDRESS? IF A VICTIM IS A MATERIAL WITNESS IN A COURT

CASE AGAINST A FORMER EMPLOYER, IS THE VICTIM PERMITTED TO OBTAIN OTHER EMPLOYMENT OR TO LEAVE THE COUNTRY PENDING TRIAL PROCEEDINGS? ARE THERE MEANS BY WHICH A VICTIM MAY OBTAIN RESTITUTION?

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The government generally encourages victims to participate in the investigation and prosecution of trafficking. When victims opt not to do so it is generally due to language barriers, illiteracy, distrust of Thai officials, slow legal processes, and fear of traffickers. Additionally, financial needs of victims who need to earn income for their families also play a role in the low level of victim participation in prosecutions. The Royal Thai Police believes that fear of criminal networks, which often reach into their home communities, played an important role in the reluctance to pursue legal action. Officials at government shelters also reported instances when traffickers try to intimidate or threaten victims or their families.

To encourage assistance the investigation and prosecution of forced labor cases, the 1998 Labor Protection Act allows for compensatory damages from the employer. Department of Social Welfare officials and NGOs use the threat of punitive sanctions under this law to negotiate settlements with abusive employers using foreign trafficking victims in sweatshops and in domestic work.

To create additional incentives for victims to assist with case investigation and prosecution, the 2008 anti-TIP Law (Sections 34 and 35) requires victims be informed of their right to receive compensation for damages and to the provision of legal aid from the government. The public prosecutor must also help victims receive compensation through the courts. Similarly, the law stipulates that victims of TIP crimes are eligible to work while their case proceeds through the courts. Also, the RTG allows for victims who have already given testimony in TIP cases to be repatriated instead of remaining in shelters.

The Office of the Attorney General (OAG) reported that in FY 2009, it received 19 cases involving human trafficking crimes, 17 of which the OAG initiated prosecutions and two of which the OAG declined to prosecute. In FY 2010, it has initiated prosecutions in eight cases received. While it is unclear how many victims are cooperating in these cases, it is likely that many are since other cases prosecuted by the OAG did receive victim cooperation. These include the Anoma and Ranya Paew forced labor cases, one of which was successfully prosecuted during the reporting year and one of which is still being prosecuted (see above).

-- K. DOES THE GOVERNMENT PROVIDE ANY SPECIALIZED TRAINING FOR GOVERNMENT OFFICIALS IN IDENTIFYING TRAFFICKING VICTIMS AND IN THE PROVISION OF ASSISTANCE TO TRAFFICKED VICTIMS, INCLUDING THE SPECIAL NEEDS OF TRAFFICKED CHILDREN? DOES THE GOVERNMENT PROVIDE TRAINING ON PROTECTIONS AND ASSISTANCE TO ITS EMBASSIES AND CONSULATES IN FOREIGN COUNTRIES THAT ARE DESTINATION OR TRANSIT COUNTRIES? WHAT IS THE NUMBER OF TRAFFICKING VICTIMS ASSISTED BY THE HOST COUNTRY'S EMBASSIES OR CONSULATES ABROAD DURING THE REPORTING PERIOD? PLEASE EXPLAIN THE TYPE OF ASSISTANCE PROVIDED (TRAVEL DOCUMENTS, REFERRALS TO ASSISTANCE, PAYMENT FOR TRANSPORTATION HOME).

In order to provide government officials with sufficient knowledge to identify TIP victims, the Royal Thai Police and MSDHS co-conducted numerous one-day trainings for police officers (including immigration police) that focused on the Anti-TIP law and victim identification process. MSDHS reported that approximately 2,500 police received training during 2009 (in addition to an equal number in FY 2008).

From June 15 to 19, 2009, the RTG hosted a counter-trafficking training in Ayudhaya, Thailand at which representatives from the six countries of the greater Mekong sub-region were trained on how to strengthen efforts to combat trafficking.

In 2009, the MFA Department of Consular Affairs received a budget of six million baht for TIP prevention and protection activities. According to the MFA, it (along with Thai embassies and Consulates) carried out the following anti-TIP activities:

-- Conducted awareness raising activities on the risk of being trafficked. Activities, conducted in partnership with NGOs,

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targeted risk-groups in eight of Thailand's northern provinces (1,297 participants from June to September 2009) and among fishery communities and risk groups at bus terminals in the northeast (187 participants).

-- Coordinated with the Hot Line Foundation to provide two rounds of three-day trainings to 60 counselors for trafficking victims.

-- Conducted TIP awareness raising activities for Thai workers in Chiang Rai prior to their travel to Middle East.

-- Organized TIP awareness raising activities for 434 Thai women in Pattaya and 118 Thai workers in Chiang Mai.

-- Produced television and radio spots on TIP-related issues (i.e., "True Stories of Thai Women" on television channels 9 and 11, and "Thais' Life Away from Home" on television channel 9).

-- Produced a "guide for living" pamphlet for Thai citizens traveling to Malaysia, Switzerland, the United Kingdom, Hong Kong, Kuwait, and Australia, and containing contact information for emergency situations.

-- Produced posters to raise awareness on TIP-related fraud to be posted in government buildings in every province, such as provincial passport offices, provincial halls, provincial employment offices, etc.

-- Supported a volunteer network and training seminar on labor law and rights for 323 Thai workers in Taiwan.

-- Provided interpreters for 20 Thai TIP victims and funded support for 30 to 40 Thai TIP victims in a shelter in South Africa.

-- Coordinated activities with Thai women support networks in Norway, Sweden, Japan (Tokyo and Osaka), India, Malaysia, and Dubai.

-- Organized a "Thai Friends help Thais" project to develop networks of volunteers to assist TIP victims in Singapore.

-- Organized a seminar on TIP-related laws in Switzerland, Denmark, and Germany.

-- Provided legal consultants for ten TIP victims in Taiwan.

The Ministry of Foreign Affairs (MFA) Department of Consular Affairs reported 309 Thai nationals were classified as TIP victims abroad and repatriated to Thailand with MFA assistance in 2009 (January - December 2009). The breakdown by destination country follows:

Table 5: Number of Thai TIP victims abroad who were repatriated back to Thailand (Unit: Number of Persons)

Destination	FY 2006	FY2007 (Oct08-Sep09)	FY 2008 (Jan-Dec09)	CY 2009
-----	-----	-----	-----	-----
Bahrain	236	368	360	216
Singapore	9	14	3	9
Malaysia	39	12	73	36
South Africa	20	3	1	5
Saudi Arabia	0	3	0	0
Hong Kong	2	2	1	2
Japan	3	1	0	5
United Kingdom	5	0	0	0
Taiwan	0	0	5	1
Maldives				15
China				5
Oman				5
Timor				3
USA				3
Brunei				1

Vietnam	1
Germany	1

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Total	397	403	443	309

(Source: Department of Consular Affairs, Ministry of Foreign Affairs)

-- L. DOES THE GOVERNMENT PROVIDE ASSISTANCE, SUCH AS MEDICAL AID, SHELTER, OR FINANCIAL HELP, TO ITS NATIONALS WHO ARE REPATRIATED AS VICTIMS OF TRAFFICKING?

Victims of trafficking in Thailand as well as Thai nationals who are trafficked abroad can claim financial compensation from the Royal Thai Government. They may also receive additional compensation should they participate in a prosecution as a witness. Medical aid and shelter (other than temporary residence at one of six government shelters) is not available for Thai nationals who are repatriated. The RTG did provide broad prevention services as well as protection services (i.e., interpretation and legal) as detailed in the answer to question K above.

-- M. WHICH INTERNATIONAL ORGANIZATIONS OR NGOS, IF ANY, WORK WITH TRAFFICKING VICTIMS? WHAT TYPE OF SERVICES DO THEY PROVIDE? WHAT SORT OF COOPERATION DO THEY RECEIVE FROM LOCAL AUTHORITIES?

Numerous NGOs, both Thai and international, are active in working with trafficking victims. They provide different levels of support, varying from organizations that identify victims and work with authorities to rescue them, to those who support them through the judicial process and return from Thailand to their home countries. Working-level cooperation with local authorities is generally good and government funding was sometimes provided to NGOs. In-kind assistance such as office space is often made available, as is the case in models of cooperation created in Chiang Mai, Bangkok and Chiang Rai. The RTG also provided office space to one NGO in the Office of the Attorney General.

A partial list of NGOs active in Thailand and a brief description of some of their key activities follows:

-- The Center for Protection of Children's Rights (CPCR) assists abused, orphaned, neglected or trafficked children and counters commercial sexual exploitation of children by legal and public relations means. The NGO runs three rehabilitation homes for children and young people rescued from trafficking, two are in Bangkok, and one is in Chiang Rai. The Chiang Rai facility also provides scholarships, vocational training and prevention programs for young people at risk of entering the commercial sex industry or at risk of being exploited for child labor.

-- Fight Against Child Exploitation (FACE) monitors cases of child abuse and pursues prosecutions of pedophiles. FACE also provides consultative services to Thai law enforcement entities on the handling of trafficking victims.

-- Foundation for Child Development (FCD) provides emergency assistance and support to victims of trafficking. It also runs prevention campaigns and policy-level advocacy activities. FCD has been a leading organization in providing assistance to victims in the Ranya Paew case, and actively participates in policy level discussions.

-- TRAFCORD: the Anti-Trafficking Coordination Unit based in Chiang Mai, acts as a coordination center in Northern Thailand between governmental and non-governmental agencies active in solving problems of human trafficking. It was established in August, 2002, largely with USG funding, and is a model of law enforcement and NGO cooperation in initiating investigations, protecting victims, and pursuing prosecutions of traffickers in the region.

-- The Labor Rights Promotion Network (LPN) is an NGO in the Samut Sakhon province, on the Gulf of Thailand, in which seafood processing and fisheries industries are based. LPN provides

counseling, vocational training and education programs for migrant

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workers and their families, many of whom originate from Burma and are vulnerable to exploitation or trafficking.

-- The Development and Education Program for Daughters and Communities (DEPDC) in Mae Sai, near the border with Burma, works to prevent at-risk children from being forced into the sex industry or into other forms of child labor. DEPDC provides shelter, education, vocational training, and employment opportunities to young girls at risk. DEPDC also campaigns against local interests that cater to child sex tourism.

-- The New Life Center (Chiang Mai and Chiang Rai) houses, feeds, educates and provides vocational training to women from hill tribes and other ethnic minorities who have been rescued from trafficking or at risk of being trafficked.

-- The Buddha Kasetra School (Chiang Rai) is a shelter and school for girls (both Thai and non-Thai) who cannot afford to continue their education and are at risk of entering the sex industry.

-- The Foundation for Women (FFW) provides information, support, referral and emergency financial assistance to women who are victims of exploitation and violence. FFW also works with villagers in the North and Northeast to oppose coerced prostitution and domestic violence. FFW offers small-scale credit schemes for alternative economic projects and conducts research on international migration and trafficking, adolescent sexuality, and domestic violence.

-- The Mirror Art Foundation, through a project entitled, "The Missing Person Center for Anti-Trafficking," provides counseling to victims and their families and helps coordinate the activities of government agencies, local authorities, and NGOs to assist victims.

-- The World Vision Foundation of Thailand (WVFT) concentrates its activities on reducing the vulnerabilities of migrants through prevention projects. It also has drop-in center at the border in the Northeast and West to provide assistance and accommodate street children and trafficked victims. World Vision in Burma also provides assistance in family tracing and supporting reintegration process for Burmese trafficked victim from Thailand.

-- Agir Pour Les Femmes En Situation Precaire or Alliance Anti Traffic (AFESIP) programs include the building of community-based networks and the provision of support to victims, including health, legal, and family tracing services prior to reintegration or repatriation.

-- Other international NGOs such as The American Center for International Labor Solidarity (Solidarity Center), Save the Children UK, GATTW, Oxfam, Prevent Human Trafficking, and ECPAT International have ongoing substantive anti-trafficking programs in Thailand.

-- International organizations actively working on anti-trafficking programs in Thailand include UNESCO, UNIAP, UNICEF, the ILO, and IOM.

V) PREVENTION:

-- A. DID THE GOVERNMENT CONDUCT ANTI-TRAFFICKING INFORMATION OR EDUCATION CAMPAIGNS DURING THE REPORTING PERIOD? IF SO, BRIEFLY DESCRIBE THE CAMPAIGN(S), INCLUDING THEIR OBJECTIVES AND EFFECTIVENESS. PLEASE PROVIDE THE NUMBER OF PEOPLE REACHED BY SUCH AWARENESS EFFORTS, IF AVAILABLE. DO THESE CAMPAIGNS TARGET POTENTIAL TRAFFICKING VICTIMS AND/OR THE DEMAND FOR TRAFFICKING (E.G. "CLIENTS" OF PROSTITUTES OR BENEFICIARIES OF FORCED LABOR)? (NOTE: THIS CAN BE AN ESPECIALLY NOTEWORTHY EFFORT WHERE PROSTITUTION IS LEGAL. END NOTE.)

During the reporting period, the RTG conducted numerous TIP prevention activities. Some TIP prevention efforts included direct involvement by Prime Minister Abhisit and members of his cabinet.

While some activities aimed to raise awareness on trafficking within Thai society as a whole, others attempted to raise awareness among targeted high-risk groups, including both Thai nationals and non-Thais working in high-risk industries. While it is difficult to determine how many individuals were reached in these efforts, NGOs reported that awareness of human trafficking and labor rights has grown within Thailand, both among high-risk populations (such as Burmese migrants in the fisheries-centered city of Samut Sakhon) and RTG officials. Examples of RTG TIP prevention efforts during the reporting period follow:

- In January 2010, Prime Minister Abhisit was filmed for a short television spot that aims to raise awareness on human trafficking and encourage Thais to help combat it by informing authorities when they see the potential incidents. The spot is expected to air in the first quarter of 2010.

- On June 12, the RTG partnered with the International Labor Organization (ILO) to commemorate World Day against Child Labor (WDACL). The related event organized in Bangkok was covered by various television, print, and radio news outlets. In addition to the Bangkok event, the RTG and ILO organized events in Tak and Pattani on June 12 and 18, respectively. At the event in Tak, attended by approximately 1,500 individuals, Thailand's Vice Minister of Education Chaiwit Bannawat gave a speech regarding the RTG's "education-for-all" policy, i.e., for all children including those of non-Thai migrants and ethnic minority groups resident in Thailand.

- On June 5, MSDHS organized activities to mark the one-year anniversary of Thailand's comprehensive TIP law. Local media, including the widely-read newspapers Thai Rath and Siam Rath, covered the main awareness raising event in Bangkok, attended by approximately 150 officials from governmental and non-governmental organizations. Select MSDHS provincial-level offices also hosted awareness raising events in cooperation with NGOs such as World Vision.

- Using FY 2010 budgetary funds, the Thai government implemented a TIP awareness raising campaign, providing training workshops to youth groups throughout Thailand. It also created a short informational television spot to raise awareness on the problem of human trafficking specifically in the fishing industry (the spot aired on Thai television's channel five).

According to the ILO, the Thai government continuously organized activities aimed to prevent and eliminate child labor and forced labor, including:

- a project on the prevention of the worst forms of child labor and human trafficking in Samut Sakhon Province (March 2007 - December 2009),

- a project with the goal of integrating efforts to combat the worst forms of child labor in Chiang Rai Province (April 2007 - December 2009),

- a project to address child migrants in Thailand and in the Mekong Sub-Region (July 2007 - November 2009),

- a project aimed at the health promotion of child laborers in the fishery and services sectors in Songkla and Pattani Provinces (January 2008 - December 2009),

- a project aimed for integrated efforts to combat the inappropriate use of child labor in Samut Sakhon Province (February 2008 - February 2009),

- a project on promoting education for migrant children and children of migrant laborers to prevent child labor problems in Tak Province (May 2008 - December 2009),

- a project on promoting quality of life in agricultural communities

and reducing child labor problems in the agricultural sector in Pob Pra District, Tak Province (June 2008 - December 2009), and

- a project on solving the worst forms of child labor problems in Chiang Rai Province (November 2008 - December 2009).

The ILO also reported the RTG made public education efforts (through mobile units) to prevent exploitative child labor, targeting employers, employees, child workers, students and the general public in all provinces. The government also organized programs for children prior to their entering the labor market, specifically aimed at secondary school students and vocational students to help prevent them from being lured into unlawful activities. The Ministry of Labor maintained a similar Safety in School Project and Village Labor Volunteer Programs to organize training for community leaders and teachers on child labor problems.

As listed in section IV, question K, the Ministry of Foreign Affairs to prevent human trafficking in the reporting period:

- Conducted awareness raising activities on the risk of being trafficked. Activities, conducted in partnership with NGOs, targeted risk-groups in eight of Thailand's northern provinces (1,297 participants from June to September 2009) and among fishery communities and risk groups at bus terminals in the northeast (187 participants).

- Conducted TIP awareness raising activities for Thai workers in Chiang Rai prior to their travel to the Middle East.

- Organized TIP awareness raising activities for 434 Thai women in Pattaya and 118 Thai workers in Chiang Mai.

- Produced television and radio spots on TIP-related issues (i.e., "True Stories of Thai Women" on television channels 9 and 11, and "Thais' Life Away from Home" on television channel 9).

- Produced a "guide for living" pamphlet for Thai citizens traveling to Malaysia, Switzerland, the United Kingdom, Hong Kong, Kuwait, and Australia, and containing contact information for emergency situations.

- Produced posters to raise awareness on TIP-related fraud to be posted in government buildings in every province, such as provincial passport offices, provincial halls, provincial employment offices, etc.

- Supported a volunteer network and training seminar on labor law and rights for 323 Thai workers in Taiwan.

- Coordinated activities with Thai women support networks in Norway, Sweden, Japan (Tokyo and Osaka), India, Malaysia, and Dubai.

- Organized a "Thai Friends help Thais" project to develop networks of volunteers to assist TIP victims in Singapore.

- Organized a seminar on TIP-related laws in Switzerland, Denmark, and Germany.

-- B. DOES THE GOVERNMENT MONITOR IMMIGRATION AND EMIGRATION PATTERNS FOR EVIDENCE OF TRAFFICKING?

Thailand's topography and resource constraints make it impossible to adequately monitor its borders. Although border security is a national priority, the rugged terrain of much of the 2,900 miles of land border greatly complicates efforts to control entry and exit. An additional 1,600 miles of coastline provides further obstacles to border control. Widespread smuggling of timber, oil, drugs and people all occur. The government is sensitive to trends in labor influxes. Cross-border labor movements, particularly from Burma, are considered a national security issue. As a result of training programs conducted during the reporting period, there was an

increasing understanding among police and immigration officers of the difference between trafficking cases and voluntary migration (both legal and illegal.) Frequent rotation among police and immigration officers requires continual training efforts. UNIAP-sponsored research that found mis-identification of trafficking victims among deportees from Thailand highlighted this fact.

Sensitive to Thailand's international image, immigration police officers monitor outgoing passengers at Bangkok's international airport for Thai female sex workers. Departure clearance is often denied in suspect cases. For both illegal labor migrants and sex workers, the participants are usually voluntary during this point in the trafficking continuum. Various forms of force, fraud and coercion are generally encountered only when victims reach the destination country.

-- C. IS THERE A MECHANISM FOR COORDINATION AND COMMUNICATION BETWEEN VARIOUS AGENCIES, INTERNAL, INTERNATIONAL, AND MULTILATERAL ON TRAFFICKING-RELATED MATTERS, SUCH AS A MULTI-AGENCY WORKING GROUP OR A TASK FORCE?

Collaboration between government officials and NGOs has progressively improved in Thailand as reflected in the Thai governments multiple MOUs on human trafficking with other governments (both bilateral and multilateral), Thailand's multiple provincial-level MOUs between its different domestic regions, and the RTG's continued efforts to improve implementation of them (see details in questions above). The RTG and provincial-level governments increasingly enjoy close collaborative relationships with civil society on anti-TIP activities. Key NGOs sit on national committees related to TIP. MSDHS, responsible for coordinating the RTG's anti-TIP efforts, maintains a full list of all NGOs working on TIP-related issues nationwide.

During the reporting period, the Thai Government's Anti-Trafficking in Persons Committee (ATP) chaired by the Prime Minister and a Coordinating and Monitoring of Anti-Trafficking in Persons Committee (CMP) chaired by the Deputy Prime Minister conducted meetings to push forward RTG anti-TIP efforts, as did the sub-committees and working groups established to handle specific aspects (the sub-committee and working groups consist of government officials from relevant agencies, academics, and representatives from civil society). MSDHS' National Operation Center on Prevention and Suppression of Human Trafficking (NOCHT) is a focal point to coordinate prevention and suppression of TIP with relevant RTG agencies. This office is also assigned to be the secretariat of the two national-level TIP committees (ATP and CMP). At the provincial level, Provincial Operation Centers on Prevention and Suppression of Human Trafficking (POCHT) in all provinces report to a central coordinating committee.

Activities supervised by the CMP in 2009 included formal international cooperative efforts on TIP (e.g., through the UN's COMMMIT process and the development of memoranda of understanding, such as with Burma); the development of guidelines on improved cooperation between law enforcement investigation and prosecution efforts; the development of a training curriculum for "competent officials" under the TIP law; the development of guidelines to help prevent fraudulent marriages between Thai women and foreign nationals; and the creation of a working group focused on the U.S. Department of State's TIP report.

-- D. DOES THE GOVERNMENT HAVE A NATIONAL PLAN OF ACTION TO ADDRESS TRAFFICKING IN PERSONS? IF THE PLAN WAS DEVELOPED DURING THE REPORTING PERIOD, WHICH AGENCIES WERE INVOLVED IN DEVELOPING IT? WERE NGOS CONSULTED IN THE PROCESS? WHAT STEPS HAS THE GOVERNMENT TAKEN TO IMPLEMENT THE ACTION PLAN?

In 2009, MSDHS, under the supervision of the RTG's Coordinating and Monitoring of Anti-Trafficking in Persons Performance (CMP) committee, continued to develop a 2011-2016 national-level policy and plan to combat human trafficking. In January 2010, the RTG

submitted the draft plan for comment through four public hearings (with participation by NGOs, academia, and international agencies) in four locations: Khon Kaen, Chiang Mai, Hat Yai, and Bangkok. After recommendations are integrated into the national policy and plan, it will be submitted to the cabinet for approval, hopefully during the third quarter of 2010, according to MSDHS.

The Thai government's 2009-2014 National Plan of Action on eliminating the worst forms of child labor (NPP) was approved by its national committee on September 29, 2008 and by the Thai cabinet on January 28, 2009. The National Plan of Action identifies "bad" forms of child labor, which include: all forms of slavery, debt bondage, forced or compulsory labor including forced or compulsory recruitment of children for use in armed conflict, commercial sex work, including participation in pornographic movies and still photographs; and labor involving the sale or transport of illegal drugs (in line with ILO Convention 182). The NPP addresses five strategic goals, including 1) the prevention of the worst forms of child labor (WFCL) 2) the protection and withdrawal of children from the WFCL 3) effective law enforcement and improvement of relevant legislation 4) knowledge development and capacity building 5) the development of an administrative system.

-- E: REQUIRED OF ALL POSTS: WHAT MEASURES HAS THE GOVERNMENT TAKEN DURING THE REPORTING PERIOD TO REDUCE THE DEMAND FOR COMMERCIAL SEX ACTS?

Thai government law enforcement efforts to reduce customer demand for illegal prostitution services have been limited to occasional police raids to shut down openly operating brothels and awareness-raising campaigns targeting tourists. These efforts are principally conducted to reduce the prevalence of child prostitution. Thai law enforcement authorities have been increasingly cooperative with U.S. Embassy officials (and those from other embassies) in a range of areas to combat the demand for commercial sex involving children.

The RTG reportedly developed actions regarding the commercial sexual exploitation of children as part of its 2011-2016 national-level policy and plan to combat human trafficking as part of its national anti-TIP strategy. It has also partnered with NGOs and members of the hotel industry to implement a "Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism" and worked with civil society to develop a "National Roadmap towards Anti-Human Trafficking and Child Prostitution Caused by Tourism." An NGO observer commented that RTG efforts regarding the "National Roadmap" stalled due to the high-turnover of national governments beginning in 2006 and that the efforts have not yet gained full momentum.

-- F. REQUIRED OF ALL POSTS: WHAT MEASURES HAS THE GOVERNMENT TAKEN DURING THE REPORTING PERIOD TO REDUCE THE PARTICIPATION IN INTERNATIONAL CHILD SEX TOURISM BY NATIONALS OF THE COUNTRY?

With regard to sex crimes against children, including by offenders who travel to Thailand to commit crimes as well as those who come fleeing justice elsewhere, Thai law enforcement authorities increasingly cooperated with Embassy officials in a range of areas. NGO representatives noted this cooperation is also provided to law enforcement officials from other embassies. RTG law enforcement officials collaborated with USG law enforcement agencies (and those from other governments) in the investigation, arrest, prosecution, and deportation of child sex offenders, as well as in the provision of victim assistance. AHTD police officers were designated to carry out surveillance and investigation and to notify the Tourist police of any suspected cases of child-sex tourism, including those involving Thai nationals.

The RTG sponsored TIP prevention activities, including campaigns to warn tourists of any nationality (including Thai) of the severity of penalties for engaging in commercial sex acts with children.

Thailand's 2008 Anti-TIP Act provides strict penalties for Thai

citizens who engage in any form of human trafficking, including child sex tourism:

- If a trafficking offense is committed against a child between 15 to 18 years old, penalties are 6-12 years imprisonment and a fine of 120,000 to 240,000 baht (3,429-6,857 USD).
- If a trafficking offense is committed against a child below 15 years old, penalties are 8-15 years imprisonment and a fine of 160,000 to 300,000 baht (4,571 - 8,571 USD).

In addition, various sections of Thai law (including the Thai Criminal Code as amended, the Prevention and Suppression of Prostitution Act, and the Money laundering Act) provide severe penalties for Thai citizens (and others) who engage in child sex tourism (see Section III, Question A above).

-- G. REQUIRED OF ALL POSTS IN COUNTRIES THAT HAVE CONTRIBUTEED OVER 100 TROOPS TO INTERNATION PEACEKEEPING EFFORTS.

Per ref. A, paragraph 29, not applicable.

VI) PARTNERSHIPS

-- A. DOES THE GOVERNMENT ENGAGE WITH OTHER GOVERNMENTS, CIVIL SOCIETY, AND/OR MULTILATERAL ORGANIZATIONS TO FOCUS ATTENTION AND DEVOTE RESOURCES TO ADDRESSING HUMAN TRAFFICKING? IF SO, PLEASE PROVIDE DETAILS.

The Thai government deepened its broad cooperative partnerships with other governments and civil society on TIP activities during the reporting period, thereby contributing the RTG's efforts to implement the TVPA's minimum standards. Collaboration between government officials and NGOs has progressively improved in Thailand as reflected in the Thai governments multiple MOUs on human trafficking with other governments (both bilateral and multilateral), Thailand's multiple provincial-level MOUs between its different domestic regions, and the RTG's continued efforts to improve implementation of them. Key NGOs sit on national committees related to TIP. MSDHS, responsible for coordinating the RTG's anti-TIP efforts, maintains a full list of all NGOs working on TIP-related issues nationwide.

Specifically, Thailand's regional MOUs and TIP guidelines provide procedures to the Provincial Operation Center on Prevention and Suppression of Human Trafficking (POCHT) in each province. They generally state the POCHT shall coordinate with members of their multidisciplinary teams (e.g., social workers, health care officials, psychologists, etc.). Under these procedures, police collaborate with social workers, NGOs, and interpreters when conducting a raid and screening for TIP victims. Trafficking victims are also transferred to either government shelters, occasionally for short periods of time, NGO-run shelters as appropriate. According to an NGO that partners with the RTG on victim assistance, training of RTG officials has improved coordination on TIP cases.

During the reporting period, government officials increasingly enjoy close collaborative relationships with civil society on anti-TIP activities, including (but not limited to):

- Meetings throughout the year of the RTG's sub-committees and working groups established to handle specific aspects of TIP. The working group on human trafficking in the fishing industry met nine times, and as recently as January 2010, and consists of government and non-government officials (from both for-profit companies and non-profit organizations).
- On June 5, MSDHS organized activities to mark the one-year anniversary of Thailand's comprehensive TIP law. Select MSDHS provincial-level offices also hosted awareness raising events in cooperation with NGOs such as World Vision.

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- On June 12, the RTG partnered with the International Labor

Organization (ILO) to commemorate World Day against Child Labor (WDACL). In addition to the Bangkok event, the RTG and ILO organized events in Tak and Pattani on June 12 and 18, respectively. At the event in Tak, attended by approximately 1,500 individuals, Thailand's Vice Minister of Education Chaiwut Bannawat gave a speech regarding the RTG's "education-for-all" policy, i.e., for all children including those of non-Thai migrants and ethnic minority groups resident in Thailand.

- MSDHS organized anti-TIP training sessions specifically for the "competent officials," (including social workers, police, immigration, public health officer) as defined by the 2008 Anti-TIP law and the relevant subordinate regulation. The Ministry expects at least 1,000 individuals will participate in the training sessions taking place from December 2009 to March 2010.

- The Thai Ministry of Labor in 2009, with support from the ILO, conducted two training sessions in Thailand's upper North and the Central region on the "Operational Guidelines for Labor Trafficking," finalized in April 2008. Approximately 35 individuals participated in each session. The guidelines were established to improve coordination among members of multi-disciplinary teams, consisting of both government and non-government officials, during labor trafficking operations (i.e., rescue and protection).

- MSDHS reported it is working with UNODC to set up Border Liaison Offices specific to human trafficking along the Thai-Burma border (near Chiang Rai, Tak, and Ranong).

- MSDHS reported that in 2009, the Japanese Government's Japan International Cooperation Agency (JICA) funded research to assess the quality of services for, and satisfaction of, trafficking victim who have been assisted through multidisciplinary approaches. The findings from the research will be presented to the RTG to improve quality of services through its multidisciplinary approach to trafficked victims.

Key and updated information on the Thai government's memorandum of understanding (MOU) agreements, bilateral and multilateral, though which it cooperates with partners on TIP issues follow (from MSDHS and UN sources):

- GMS: the MOU on the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) was signed on October 29, 2004. This joint declaration among six Mekong sub-region countries affirms a political commitment to eradicating all forms of TIP in the Greater Mekong sub region. Member countries reviewed the achievements of the first Sub-regional Plan of Action (SPA) in 2005- 2007 and endorsed the Second SPA 2008-2010 focusing on 7 areas: 1) Training and Capacity Building, 2) National Plans of Action, 3) Multilateral and Bilateral Partnerships, 4) Legal Frameworks, Law Enforcement, and Justice, 5) Victim Identification, Protection, Recovery and Reintegration, 6) Preventive Measures, and 7) Cooperation with the Tourism Sector. In November 5-6 2008 COMMIT meetings, COMMIT countries agreed to invite Malaysia to join the Initiative.

- Cambodia: the MOU between Thailand and Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victim of Trafficking, was signed on May 31, 2003. The MOU covers cooperation in 3 areas: 1) return and reintegration, 2) prosecution process guidelines and 3) information sharing.

- Laos: the MOU between Thailand and Laos on Cooperation to Combat Trafficking in Persons, Especially Women and Children, was signed on July 31, 2005. On February 6-8, 2006, Laos and Thailand endorsed the Bilateral Action Plan and Guidelines on Procedures of Victim Return and Victim Rehabilitation, Especially Women and Children. A Plan of Action (POA) phase II (2010-2012) was finalized in September 2009. Key aspects of POA phase II include the exchange of information and knowledge on law enforcement and prosecution; the development of twin border cities; and reintegration support.

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- Vietnam: the MOU between Thailand and Vietnam on Cooperation to Combat Trafficking in Persons was signed on March 24, 2008. On March

19,
2009, governments of both nations agreed to a joint plan of action that includes setting up a bilateral working group to combat human trafficking, conducting an assessment of the bilateral human trafficking situation and providing recommendations for preventive measures, collaborating on the provision of protection and repatriation of TIP victims, and expanding the sharing and exchange of information on TIP in general. Teams from both countries are drafting standard operating procedures to assist trafficking victim, which are expected to be finalized in 2010.

-- Burma: On April 24, 2009, the RTG and Burmese government signed an MOU on Cooperation to Combat Trafficking in Persons. The MOU covers areas such as prevention, protection, recovery and reintegration of victims, and law enforcement and prosecution collaboration. A related plan of action under the MOU was concluded in August 6, 2009 and calls for:

- (i) the establishment of a joint task force,
- (ii) an assessment of the bilateral human trafficking situation (to begin in the first quarter of 2010).
- (iii) coordination of multidisciplinary training on victim protection (MSDHS will host training sessions for officials from Thailand and Burma in the first quarter of 2010; MSDHS is developing a TIP training curriculum for interpreters who provide services in TIP cases and plans to provide training in 2010.
- (iv) improved reintegration mechanisms.

-- Malaysia: The RTG proposed in July 2007 that Thailand and Malaysia sign a draft MOU on Cooperation to Combat Trafficking in Persons. The Malaysian government returned a draft MOU to Thailand for consideration in July 2009.

-- Australia: MSDHS and the Australian Federal Police (AFP) are reportedly developing a draft MOU on cooperation on the repatriation of trafficked victims and dissemination of information to the public. The final draft was reviewed by both sides in December 2009 and it is expected to be signed in 2010. On July 4, 2008, the RTG signed an MOU with the Asia Regional Trafficking in Persons Project (ARTIP), funded by the Australian government, to support law enforcement and capacity building on investigatory and prosecution processes.

-- Japan: The RTG and the Japanese government are reportedly working to set up a bilateral anti-human trafficking task force to develop a formal MOU and standard operating procedures on victim protection and reintegration.

-- B. WHAT SORT OF INTERNATIONAL ASSISTANCE DOES THE GOVERNMENT PROVIDE TO OTHER COUNTRIES TO ADDRESS TIP?

The Thai government did not report the provision of direct assistance to other countries to address TIP. It did, however, partner with other nations on the investigation and prosecution of transnational TIP cases, the provision of services (including repatriation) to Thai and foreign victims of trafficking, the training of government officials on TIP-related practices, on the research of certain aspects of TIP, and on other cooperative activities (see question above and others). In doing so, the RTG assisted other governments in combating human trafficking and meeting the minimum standards under the TVPA.

VI) NEW REQUIREMENTS FOR THE CHILD SOLDIERS PREVENTION ACT

REPORT IF THE FOLLOWING OCCURRED: CONSCRIPTION OR FORCED RECRUITMENT OF PERSONS UNDER THE AGE OF 18 INTO GOVERNMENTAL ARMED FORCES; VOLUNTARY RECRUITMENT OF ANY PERSON UNDER 15 YEARS OF AGE INTO GOVERNMENTAL ARMED FORCES; THE EXTENT TO WHICH ANY PERSON UNDER THE AGE OF 18 TOOK A DIRECT PART IN HOSTILITIES AS A MEMBER OF GOVERNMENTAL ARMED FORCES; RECRUITMENT (FORCED OR VOLUNTARY) OF PERSONS UNDER THE AGE OF 18 BY ARMED GROUPS DISTINCT FROM THOSE OF THE GOVERNMENTAL ARMED FORCES, INCLUDING PARAMILITARY FORCES,

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ILLEGAL PARAMILITARY GROUPS, GUERRILLAS, OR OTHER ARMED GROUPS. DESCRIBE TRENDS TOWARD IMPROVEMENT OF THE ABOVE-MENTIONED PRACTICES, INCLUDING STEPS AND PROGRAMS THE GOVERNMENT UNDERTOOK OR THE

CONTINUED OR INCREASED TOLERANCE OF SUCH PRACTICES, INCLUDING THE ROLE OF THE GOVERNMENT IN ENGAGING IN OR TOLERATING SUCH PRACTICES. REPORT ABUSE OF CHILDREN RECRUITED BY ARMED FORCES OR THE ARMED GROUPS NOTED ABOVE (E.G., SEXUAL ABUSE OR USE FOR FORCED LABOR). DESCRIBE THE MANNER AND AGE OF CONSCRIPTION. IN DISCUSSING ACTIVITIES OF ARMED GROUPS DISTINCT FROM THOSE OF GOVERNMENTAL ARMED FORCES, EXPLAIN THE POSITION OF THE GOVERNMENT TOWARDS THE ARMED GROUP (OPPOSITION, TOLERANCE, SUPPORT, ETC.) IN DETAIL.

Thailand's southern border provinces (SBPs) have long been host to an ethno-nationalist Malay Muslim separatist movement rallying around a regional "Pattani" identity. Since 2004, separatists have conducted a violent insurgency in the provinces of Narathiwat, Yala, Pattani, and Songkla against symbols and representatives of central government authority, as well as against civilians, both Buddhist and Muslim, which has resulted in thousands of deaths.

There were no reports of persons under the age of 18 conscripted or recruited into governmental armed forces. There was limited evidence that some village defense forces in the south at the provincial, district, and/or village levels allowed for voluntary induction of 17-year-old individuals; there were no reports that such persons were directly involved in hostilities. There were reports that separatist groups recruited teenagers under the age of 18 to carry out attacks. Human rights organizations alleged that separatists used private Islamic schools to indoctrinate ethnic Muslim Malay children with a separatist agenda. There were no reports of abuse of children (e.g., sexual abuse or forced labor) by any armed group within Thailand. (Note: see ref C, Bangkok 366, for additional details).

Thai government armed forces in the South, concerned with their own physical safety, were not in a position to take actions against separatists specifically to penalize their use of child soldiers. Nonetheless, the Royal Thai Government took multiple actions to promote opportunities for children in the SBPs with the goal of preventing their involvement in the violence. These include the provision of thousands of scholarships and vocational training activities to children in the SBPs, as well as other actions taken by the Ministries of Defense, Justice, Social Development and Human Security, Foreign Affairs, Labor, and Internal Security Operations Command (ISOC). (ref L).

VII) NOMINATION OF HEROES AND BEST PRACTICES

-- HEROES: Sudjai Nakphain, Project Coordinator, World Vision Foundation of Thailand.

Sudjai has been working with World Vision in Pattaya, Thailand for the last seven years. Specifically, she has implemented the "Developing the Life of Homeless Children in Pattaya" project. The program institutes prevention, protection, and rehabilitation for homeless children. Sudjai regularly conducts classes for orphaned and "at-risk" children on various topics such as the dangers of drug abuse, basic living skills, and avoiding exploitation. She also provides shelter and supervision as part of the program. Additionally, her program, in conjunction with assistance from the Thai Navy, includes an intensive rehabilitation component that provides training to teenagers in trade-based skills, such as farming, mechanics, and construction that can be utilized in the workplace. Her efforts have positively affected over 400 children who were trafficked, sexually exploited, or orphaned in Thailand.

Sudjai has provided invaluable assistance in identifying, locating, and protecting children who were victims of child sexual exploitation in support of international law enforcement efforts. Her expertise and direct assistance has led to numerous arrests and prosecutions of pedophiles preying on vulnerable children in Thailand.

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Post's Consular Section vetted this nominee through the CLASS and CCD databases; no record was found in either.

13. (SBU) Per ref A, paragraph 24, Embassy Labor Officer (FS-02)

spent approximately 50 hours in the preparation of this report. The Economic Counselor (FE-OC) and DCM (FE-MC) spent approximately 4 hours and 3 hours on the report, respectively. Consulate Chiang Mai's Political/Economic Chief (FS-02) spent approximately 5 hours on the report. Likewise, Economic Section FSN (Grade 11-02) spent approximately 100 hours on compiling information for the report. These estimates do not include contributions made indirectly in the regular course of work. Embassy Bangkok POC is Econ/Labor Officer Lawrence Petroni: tel. 02-205-4639, fax 02-254-2839, email PetroniLJ@state.gov.